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Committee on Economic, Social and Cultural Rights

Report on the forty-sixth and forty-seventh sessions

(2–20 May 2011, 14 November–2 December 2011)

Economic and Social Council

Official Records, 2012

Supplement No. 2

United Nations

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I
Decisions of the Committee

A. Decision of the Committee regarding meeting time for the consideration of periodic reports, adopted as proposed below

1. The Committee adopted the following decision regarding the issue of meeting time to address the backlog of reports. It entails:

(a) Pursuing efforts with the Economic and Social Council with a view to obtaining additional meeting time; and

(b) Maintaining the method of having three meetings with State parties for initial reports and introducing two meetings with delegations for periodic reports on a provisional and trial basis from the Committee's forty-ninth session in November 2012, to address the backlog of reports, under the condition that adequate servicing is provided to the Committee, for up to two years, during which time the experience would be reviewed and a final decision taken.

B. Draft decision recommended for adoption by the Economic and Social Council

1. Rationale

2. While noting with appreciation that the increased workload of the Committee is, inter alia, a result of the improved rate of reporting by States parties, the Committee reiterates its concern at the persisting and growing backlog of reports awaiting consideration (approximately 45 reports). Given that the Committee meets twice a year for only six weeks in total, it has felt severely constrained in its efforts to reduce that backlog and to consider the periodic reports of State parties in a timely manner and without undue delay.

3. After being advised of the related financial implications, the Committee decided to request the Economic and Social Council in 2009 to approve one additional session per year during the period 2010–2011. This request was, however, not considered during the substantive session of the Economic and Social Council in July 2009. As a result, the Committee reiterated its urgent request for additional sessions in the biennium 2011–2012. Again, the request was deferred and the Chairperson was invited to report to the Economic and Social Council in July 2011. The Chairperson addressed the Economic and Social Council on 28 July 2011, informed the Council of the Committee's deliberations on the issue and, notably, proposed that it consider granting the Committee an extra week per session (two weeks annually) rather than an extra session. The Chairperson also informed the Council that the Committee agreed, in principle, to reducing the number of meetings for the consideration of a periodic report, from three to two on a trial basis. The Chairperson highlighted that only with both of the above would the Committee be able to reduce the backlog of reports and proceed with its work in an efficient manner. The Committee is awaiting a decision by the Economic and Social Council and, as per the present draft decision reiterates that its request be considered by the Council as a matter of urgency.

4. In addition to the severe delays caused by the aforementioned backlog, it must also be noted that the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 10 December 2008, has been opened

for signature and ratification as of 24 September 2009 and requires 10 ratifications for its entry into force. This will create an additional workload for the Committee, which will have to manage the consideration of individual petitions during its two sessions per year, in addition to its consideration of State party reports.

2. Draft decision

5. The Economic and Social Council, concerned that existing meeting arrangements for the Committee on Economic, Social and Cultural Rights no longer permit it to fully discharge its responsibilities under the International Covenant on Economic, Social and Cultural Rights and Council resolution 1985/17 in an efficient and timely manner and noting that the present backlog in consideration of State party reports could be alleviated by additional meeting time, approves the extension of the two annual Committee sessions by one week each, that is, a two extra weeks of meeting time per year, followed by a pre-sessional working group meeting of one week's duration for up to 10 members of the Committee, in Geneva, in both 2013 and 2014.

Chapter II
Organizational and other matters

A. States parties to the Covenant and its Optional Protocol

6. As of 2 December 2011, the closing date of the forty-seventh session of the Committee on Economic, Social and Cultural Rights, with the ratification by Bahamas, 160 States were parties to the International Covenant on Economic, Social and Cultural Rights. The Covenant was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. It entered into force on 3 January 1976 in accordance with the provisions of its article 27. Also as of 2 December 2011, with the ratification by Argentina, five States were parties to the Optional Protocol to the Covenant. The Optional Protocol was adopted by the General Assembly in resolution 63/117 on 10 December 2008 and was opened for signature and ratification in New York on 24 September 2009. It will enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

B. Sessions and agenda

7. The Committee, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at a subsequent session. The Council, in its resolution 1995/39 of 25 July 1995, endorsed the recommendation of the Committee.

8. In 2011, the Committee held its forty-sixth session from 2 to 20 May, and its forty-sixth session from 14 November to 2 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is displayed in annex II to the present report.

9. An account of the Committee's deliberations at its forty-sixth and forty-seventh sessions is contained in the relevant summary records (E/C.12/2011/SR.1-17 and 29 and E/C.12/2011/SR.30-46 and 59, respectively).

C. Membership and attendance

10. Two new members of the Committee were welcomed at the start of the forty-sixth session: Mr. Renato Zerbini Ribeiro Leão and Ms. Heisoo Shin. Two outgoing members were thanked for their dedication and effort: Ms. Maria Virginia Bras Gomes and Ms. Virginia Bonoan Dandan. All members of the Committee attended the forty-sixth and forty-seventh sessions (see list of members, annex I to the present report).

11. The newly elected members of the Committee made their solemn declaration on 2 May 2011, in accordance with rule 13 of the Committee's rules of procedure.

12. The following specialized agencies and United Nations organs and departments were invited to be represented by observers at the forty-sixth and forty-seventh sessions: the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), the International Monetary Fund (IMF), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Human Settlements Programme (UN-Habitat), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO) and the World Bank.

13. The following non-governmental organizations (NGOs) in consultative status with the Economic and Social Council were represented by observers:

At the forty-sixth session:

General consultative status:	Centre Europe-Tiers Monde (CETIM); HelpAge International
Special consultative status:	Amnesty International (Swiss section); Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation; Association of the Prevention of Torture (APT); Bischöfliches Hilfswerk Misereor E.V. (MISEREOR); Canadian HIV/AIDS Legal Network; Center for Reproductive Rights; Congregation of Our Lady of Charity of the Good Shepherd; Conscience and Peace Tax International (CPTI); European Region of the International Lesbian and Gay Association (ILGA); Geneva for Human Rights; International Institute Mary Auxiliatrice (IIMA); International Federation Terre des Hommes (IFTDH-France); International Institute Mary Auxiliatrice (IIMA); International Harm Reduction Association (IHRA); International Organization for the Right to Education and Freedom of Education (OIDEL); International Service for Human Rights (ISHR); International Volunteerism Organization for Women, Education and Development (VIDES); International Work Group for Indigenous Affairs; Latin American Committee for the Defence of Women's Rights (CLADEM); L'auravetli'an

	Information and Education Network of Indigenous People (LIENIP); Lutheran World Federation; Minority Rights Group; Society Studies Centre; Syriac Universal Alliance; Women's International League for Peace and Freedom (WILPF); 3D – Trade Human Rights Equitable Economy
Roster:	Asia Pacific Forum on Women, Law and Development (APWLD); Association of World Citizens; FIAN International (Foodfirst Information and Action Network); International Federation of Rural Adult Catholic Movements (FIMARC)

At the forty-seventh session:

Special consultative status:	Defence for Children International (DCI); Geneva for Human Rights ; International Catholic Child Bureau; International Commission of Jurists (ICJ); International Organization for the Right to Education and Freedom of Education (OIDEL); Latin American Committee for the Defence of Women's Rights (CLADEM)
Roster:	World Association for the School as an Instrument of Peace (EIP)

14. The following other national and international non-governmental organizations and coalitions of national non-governmental organizations were represented by observers at the forty-sixth and forty-seventh sessions: Aktion GEN-Klage; Aktion Transsexualität und Menschenrecht (ATME E.V.); Dogal Hayati Koruma Dernegi – Society for the Protection of Nature; Forum Pflege Aktuell; General Social Care Council (GSCC); German Institute for Human Rights; Human Rights Information Centre; Initiative to Keep Hasankeyf Alive (IKHA); Inter-American Platform for Human Rights, Democracy and Development; International Commission of Jurists; International Disability Alliance; International Federation of Human Rights Leagues (FIDH); Intersexuelle Menschen E.V.; Irish Centre for Human Rights; Kurdish Human Rights Project; Legal Resources Centre; Marist International Solidarity Foundation Onlus (FMSI); Minority Rights Group International; Moldovan Institute for Human Rights; National Roma Centre (Republic of Moldova); Non-discrimination Coalition; Programme on Women's Economic Social and Cultural Rights (PWESCR); Roj Women's Association; Social Service Agency of the Protestant Church in Germany (Diakonisches Werk der Evangelischen Kirche in Deutschland); Speranta (Republic of Moldova); Transsexual People in Germany.

D. Pre-sessional working group

15. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

16. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

Prior to the forty-seventh session:

Mr. Chandrashekhar Dasgupta
Mr. Zdzislaw Kedzia
Mr. Azzouz Kerdoun
Mr. Jaime Marchan Romero
Mr. Nicolaas Jan Schrijver

Prior to the forty-eighth session:

Mr. Aslan Khuseinovich Abashidze
Ms. Rocío Barahona Riera
Ms. Jun Cong
Mr. Ariranga Govindasamy Pillay
Mr. Philippe Texier

17. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 23 to 27 May 2011 and from 5 to 9 December 2011. All designated members of the working group attended the meetings. The working group identified issues that could be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

E. Organization of work

Forty-sixth session

18. The Committee considered its organization of work at its 1st meeting on 2 May 2011. In connection with this item, the Committee had before it the following documents:

(a) Provisional agenda and tentative programme of work for the forty-sixth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/46/1);

(b) Reports of the Committee on the work of its previous sessions:[1] first (E/1987/28-E/C.12/1987/5), second (E/1988/14-E/C.12/1988/4), third (E/1989/22-E/C.12/1989/5), fourth (E/1990/23-E/C.12/1990/3 and Corr.1), fifth (E/1991/23-E/C.12/1990/8 and Corr.1), sixth (E/1992/23-E/C.12/1991/4 and Add.1), seventh (E/1993/22-E/C.12/1992/2), eighth and ninth (E/1994/23-E/C.12/1993/19), tenth and eleventh (E/1995/22-E/C.12/1994/20 and Corr.1), twelfth and thirteenth (E/1996/22-E/C.12/1995/18), fourteenth and fifteenth (E/1997/22-E/C.12/1996/6), sixteenth and seventeenth (E/1998/22-E/C.12/1997/10), eighteenth and nineteenth (E/1999/22-E/C.12/1998/26), twentieth and twenty-first (E/2000/22-E/C.12/1999/11 and Corr.1), twenty-second, twenty-third and twenty-fourth (E/2001/22-E/C.12/2000/21), twenty-fifth, twenty-sixth and twenty-seventh (E/2002/22-E/C.12/2001/17), twenty-eighth and twenty-ninth (E/2003/22-E/C.12/2002/13), thirtieth and thirty-first (E/2004/22-E/C.12/2003/14), thirty-second and thirty-third (E/2005/22-E/C.12/2004/9), thirty-fourth and thirty-fifth (E/2006/22-E/C.12/2005/5), thirty-sixth and thirty-seventh (E/2007/22-E/C.12/2006/11), thirty-eighth and thirty-ninth (E/2008/22-E/C.12/2007/3) and fortieth and forty-first

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[1] Published as *Official Records of the Economic and Social Council.*

(E/2009/22-E/C.12/2008/3, forty-second and forty-third (E/2010/22-E/C.12/2009/3) and forty-fourth and forty-fifth (E/2011/22- E/C.12/2010/3).

19. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the provisional agenda and tentative programme of work for its forty-sixth session and approved them, as amended during consideration.

Forty-seventh session

20. The Committee considered its organization of work at its 30th meeting on 14 November 2011. In connection with this item, the Committee had before it the following documents:

(a) Provisional agenda and tentative programme of work for the forty-seventh session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/47/1);

(b) Reports of the Committee on the work of its previous sessions (see paragraph 18 (b) above).

21. In accordance with rule 8 of its rules of procedure, the Committee, at the same meeting, considered the provisional agenda and tentative programme of work for its forty-seventh session and approved them, as amended during consideration.

F. Next sessions

22. In accordance with the established schedule, the forty-eighth and forty-ninth sessions will take place at the United Nations Office at Geneva from 30 April to 18 May 2012 and from 12 to 30 November 2012, respectively.

G. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

23. In accordance with rule 61, paragraph 2, of the Committee's rules of procedure, the reports submitted by States parties under article 16 of the Covenant are scheduled for consideration in the order in which they have been received by the Secretary-General. The Committee received as at 2 December 2011, closing date of the forty-seventh session, the following reports, which it decided to consider at its forty-eighth and forty-ninth sessions in 2012:

Forty-eighth session (30 April–18 May 2012)	
Ethiopia	E/C.12/ETH/1-3
New Zealand	E/C.12/NZL/3
Peru	E/C.12/PER/2-4
Slovakia	E/C.12/SVK/2
Spain	E/C.12/ESP/5

Forty-ninth session (12–30 November 2012)	
Bulgaria	E/C.12/BGR/4-5
Ecuador	E/C.12/ECU/3
Iceland	E/C.12/ISL/4
Mauritania	E/C.12/MRT/1
United Republic of Tanzania	E/C.12/TZA/1-3

24. The Committee has decided to address the situation of long-overdue reports, in accordance with its established procedure and in chronological order. At present, 39 States parties have reports overdue to the Committee. Of those reports, 21 are more than 10 years overdue. Letters indicating that the Committee will proceed to review the implementation of the Covenant have been sent to Congo and Equatorial Guinea. The list of States parties with initial reports that are long-overdue (i.e., overdue by more than 10 years) is as follows:

> Burkina Faso, Cape Verde, Central African Republic, Congo, Côte d'Ivoire Dominica, Equatorial Guinea, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Lesotho, Malawi, Mali, Namibia, Niger, Saint Vincent and Grenadines, Seychelles, Sierra Leone, Somalia and Uganda.

25. On 2 December 2011, the number of reports submitted and pending consideration before the Committee was 48.

Chapter III
Overview of the present working methods of the Committee

26. The present chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions, including information about recent developments in its working methods. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

27. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods that adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 47 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

A. General reporting guidelines

28. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, in 2008, the Committee adopted revised reporting guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the

Covenant[2] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole.

B. Examination of States parties' reports

1. Work of the pre-sessional working group

29. A pre-sessional working group meets for five days prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

30. The principal purpose of the working group is to identify in advance the questions that will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[3]

31. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

32. With regard to its own working methods, the working group, in the interest of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific report and for putting before the working group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other working group members and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

33. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the country files.

34. The lists of issues drawn up by the working group are sent to the State party concerned, with a note stating the following:

> The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues

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[2] *Official Records of the Economic and Social Council, 2009, Supplement No. 4* (E/2009/22-E/C.12/2008/3), annex VIII.

[3] Ibid., *1998, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee.

35. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report and considering the issue of how best to respond to supplementary reports containing additional information.

2. Consideration of reports

36. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States should be present at the meetings of the Committee when their reports are examined in order to ensure a constructive dialogue with the Committee. The following procedure is generally observed: the representative of the State party is invited to introduce the report by making brief introductory comments and providing any new information that may be relevant to the dialogue. The Committee then considers the report by clusters of articles (usually articles 1–5, 6–9, 10–12 and 13–15), taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the State party representatives to reply immediately to questions that do not require further reflection or research. Any remaining questions are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (a) raise issues outside the scope of the Covenant; (b) repeat questions already posed or answered; (c) add unduly to an already long list on a particular issue; or (d) speak for more than five minutes in any one intervention.

37. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period in closed session immediately after the conclusion of the dialogue to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction, positive aspects, principal subjects of concern and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

38. The concluding observations, once formally adopted, are generally made public on the final day of the session. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information that it provides to the Committee.

39. In general, the Committee devotes three meetings (of three hours each) to its public examination of States parties' reports. In addition, it generally devotes between three and five hours towards the end of the session, in private, to its discussion of each set of concluding observations. At its forty-sixth Session in May 2011, the Committee agreed, in principle, to devote only two meetings to consideration of periodic reports, on a temporary basis, with a view to preventing the backlog of reports pending consideration from growing, while at the same time requesting additional meeting time from the Economic and Social Council.

3. Comments by States parties on concluding observations

40. Once the Committee has adopted its concluding observations on the report of a State party, and if the latter submits any comments thereon to the Committee, these are made public, as submitted, and mentioned in the annual report. Comments from States parties are published for information purposes only.

41. During the reporting period, the Committee received comments from Turkey on the concluding observations that the Committee adopted at its forty-sixth session in relation to the initial report submitted by Turkey (E/C.12/TUR/1).

4. Postponement of the consideration of reports

42. Last-minute requests by States to postpone the consideration of a report that has been scheduled for examination at a particular session are extremely disruptive for all concerned and have in the past caused major problems for the Committee. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State party concerned.

C. Follow-up procedure in relation to the consideration of reports

43. At its twenty-first session,[4] the Committee decided that:

(a) In all concluding observations, the Committee would request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(b) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

(c) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(d) Any information provided in accordance with (b) and (c) above would be considered by the next meeting of the Committee's pre-sessional working group;

(e) In general, the working group could recommend that the Committee take one of the following measures:

(i) That the Committee take note of such information;

(ii) That the Committee adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Chairperson of the Committee be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(f) If the information requested in accordance with (b) and (c) above is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

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[4] On 1 December 1999 (53rd meeting).

44. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach. In particular, the Committee may request that the State party concerned accept a visit from one or two members of the Committee. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

45. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services, to be provided by the Office of the High Commissioner.

46. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned does not accept the proposed mission, the Committee will consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

47. The Committee believes that a situation of persistent non-reporting by States parties undermines one of the foundations of the Covenant.

48. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session, it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. At its thirty-sixth session, the Committee adopted the following procedure:

(a) To review three lists of States parties whose reports are overdue:

(i) States parties with reports that were due within the past eight years;

(ii) States parties with reports that were due from 8 to 12 years ago;

(iii) States parties with reports that were due more than 12 years ago;

(b) To send reminders to States parties as follows:

(i) The first letter will be sent to all States parties about the dates on which their reports are due; those with overdue reports will be reminded of and requested to submit those reports as soon as possible;

(ii) A second letter will be sent to States parties with the most outstanding and overdue reports that do not respond to the reminder, informing them that the Committee plans to consider the overdue report(s) at a specific session in the future, and requesting that those reports be submitted in sufficient time to allow a constructive dialogue to take place;

(iii) A third letter will be sent if no response is received to the second letter, confirming that the Committee will proceed to review the implementation of the Covenant in the State party at the session communicated in the earlier letter in light of all available information;

(c) In situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, the Chairperson may decide to defer its consideration of the implementation of the Covenant in the State party for one session.

E. Submission of several reports in one document

49. At its 55th meeting, held on 22 November 2006 (thirty-seventh session), the Committee reviewed the situation of overdue reports, including recent submissions of several long-overdue reports, and decided as follows:

(a) The Committee will accept from States parties that have never submitted a report under the Covenant, a one-time submission of up to three reports consolidated in a single document, in order to bring them up to date with their reporting obligations;

(b) A consolidated report should contain a general overview of important developments in relation to the implementation of the Covenant over the entire period covered by the reports submitted and present detailed information on the present situation.

F. Action by the Committee with regard to information on economic, social and cultural rights received from sources other than the States parties

1. Information provided in connection with the consideration by the Committee of a State party report

50. The Committee also takes into account the information provided to it by sources other than the State party in connection with its consideration of a State party's report. That information, being an integral part of the Committee's constructive dialogue with a State party, is made available by the secretariat to the State party concerned through the web page of the Office of the United Nations High Commissioner for Human Rights in advance of the Committee's consideration of the report of that State party.

2. Information received following consideration by the Committee of a State party report and adoption of concluding observations

51. On various occasions in the past, the Committee has received information, mainly from non-governmental organizations, after consideration of the State party's report and adoption of concluding observations thereon. In fact, this was follow-up information on the Committee's conclusions and recommendations. Not being in a position to consider and act upon such information without reopening its dialogue with a State party (except in cases specifically addressed in concluding observations), the Committee will consider and act upon the information received from sources other than a State party only in cases where such information has been specifically requested in its concluding observations.

52. The Committee considers that, following its consideration of the State party report and adoption of concluding observations, the primary responsibility for their implementation lies with the State party, which is bound to report on measures taken in this respect to the Committee in its next periodic report. Therefore, the Committee recommends that information referred to in the preceding paragraph be submitted by authors directly to national competent authorities with a view to assisting them in implementing the Committee's concluding observations.

3. Information provided with respect to non-reporting States parties

53. The Committee has also been receiving information from international and national non-governmental organizations on the status of the implementation of economic, social and cultural rights by:

(a) States parties that have not submitted any report at all since ratification of the International Covenant on Economic, Social and Cultural Rights and its entry into force;

(b) States parties with long-overdue periodic reports.

54. In both cases, the States parties' failure to comply with their obligations under the Covenant, and in particular with their reporting obligations, had made it impossible for the Committee to monitor effectively the implementation by those States of the economic, social and cultural rights set forth in the Covenant in accordance with the mandate conferred on the Committee by the Economic and Social Council.

55. At its thirtieth session in 2003, the Committee, in a spirit of open and constructive dialogue with States parties, decided that, in both cases referred to above, it may take the following action on a case-by-case basis:

(a) The Committee may informally bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay;

(b) The Committee may formally — through a letter from the Chairperson — bring to the attention of the State party concerned the information received and urge the State party to submit its overdue report without further delay. The Committee may formally request the State party to provide it with information addressing issues raised in the submissions of non-governmental organizations and to submit its overdue report without further delay. That letter will also be made available to the non-governmental organizations concerned upon request.

G. Day of general discussion

56. The Committee may decide to devote one day of a session, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is threefold: such a general discussion assists the Committee in developing in greater depth its understanding of the relevant issues; it enables the Committee to encourage inputs into its work from all interested parties; and helps the Committee to lay the basis for a future general comment. The issues that have been the focus of discussions held to date by the Committee may be found in annex V to the present report.

H. Other consultations

57. The Committee has sought to coordinate its work with that of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations bodies, both in its work as a whole and, more particularly, in the context of its general discussions. It has also consistently invited individuals such as special rapporteurs of the Human Rights Council and the former Commission on Human Rights and Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Council and Commission working groups and others to address it and engage in discussions.

58. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added to its understanding of some aspects of the questions arising under the Covenant.

I. Participation of non-governmental organizations in the work of the Committee

59. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it.[5] They may do so in writing at any time prior to the consideration of a given State party's report. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organization, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first day at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (a) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be credible; (d) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

60. The Committee has requested the secretariat to ensure that written information formally submitted to it by non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representatives of the State party concerned. Prior to a session, this is normally done through posting on the website of the Office of the High Commissioner for Human Rights. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

61. In an effort to secure the most effective and widest possible participation of non-governmental organizations in its activities, the Committee adopted, at its twenty-fourth session in 2000, a document that explains the modalities of their participation in the Committee's work and provides detailed guidelines for non-governmental organizations with a view to facilitating their cooperation with the Committee.[6]

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[5] *Official Records of the Economic and Social Council, 2001, Supplement No. 2* (E/2001/22-E/C.12/2000/21), annex V: "Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights".

[6] Ibid.

J. General comments

62. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the Covenant, in particular with a view to assisting the States parties in fulfilling their obligations under the Covenant. As of 2 December 2011, the Committee had adopted 21 general comments (see annex III to the present report).

63. By the end of its forty-seventh session (2 December 2011), the Committee and the governmental expert sessional working group, which existed prior to the creation of the Committee, had examined partial reports concerning rights covered by articles 6–9, 10–12 or 13–15 of the Covenant, and comprehensive reports covering all the substantive articles, submitted by 123 of the 160 States parties to the Covenant. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. The reports submitted to date have illustrated many of the problems that might arise in implementing the Covenant.

64. Through its general comments, the Committee endeavours to make the experience gained through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn there from, revise and update its general comments.

65. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights enshrined in the Covenant.[7] The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly, of reasonable length and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

K. Statements adopted by the Committee

66. With a view to assisting States parties to the Covenant, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues bearing upon the implementation of the Covenant. As of 2 December 2011, the Committee had adopted 19 statements (see annex IV to the present report).

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[7] *Official Records of the Economic and Social Council, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IX.

67. During the current reporting period, the Committee adopted two statements, one on the obligations of States parties regarding the corporate sector and economic, social and cultural rights and the second on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Rights to Development (see annex VI, section B, to the present report).

68. The Committee is reviewing a draft statement related to article 2, paragraph 3, regarding the guaranteeing of economic rights to non-nationals by developing countries. Discussions on the statement will continue.

Chapter IV

Submission of reports by States parties under articles 16 and 17 of the Covenant

69. In accordance with rule 58 of its rules of procedure, the Committee, at its 30th meeting on 14 November 2011, considered the status of submission of reports under articles 16 and 17 of the Covenant.

70. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/2008/2);[8]

(b) Note of the Secretary-General on the States parties to the Covenant and the status of submission of reports as at 18 July 2011 (E/C.12/47/2).

71. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its forty-sixth and forty-seventh sessions (see paragraphs 72 and 73 below), he had received, from 19 November 2010 to 2 December 2011, the following reports submitted under articles 16 and 17 of the Covenant by States parties:

> The combined fourth to sixth periodic report of Belarus (E/C.12/BLR/4-6); the second periodic report of the Czech Republic (E/C.12/CZE/2); the combined third to fifth periodic report of El Salvador (E/C.12/SLV/3-5); the fourth periodic report of Portugal (E/C.12/PRT/4); the second periodic report of Serbia (E/C.12/SRB/2); the second and third periodic report of Monaco (E/C.12/MCO/2-3); the sixth periodic report of Ukraine (E/C.12/UKR/6); the second periodic report of Slovenia (E/C.12/SVN/2); the third periodic report of Nepal (E/C.12/NPL/3); the sixth periodic report of Finland (E/C.12/FIN/6); the second and third periodic report of Armenia (E/C.12/ARM/2-3); the second to fourth periodic report of Viet Nam (E/C.12/VNM/2-4); the second and third periodic report of Tajikistan (E/C.12/TJK/2-3); the fourth periodic report of Paraguay (E/C.12/PRY/4); the initial report of Gabon (E/C.12/GAB/1) and the third to fifth report of Romania (E/C.12/ROU/3-5).

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[8] See note 1 above.

Chapter V

Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

72. At its forty-sixth session, the Committee examined the following reports submitted by five States parties under articles 16 and 17 of the Covenant:

Initial report	
Turkey	E/C.12/TUR/1
Second periodic report	
Republic of Moldova	E/C.12/MDA/2
Yemen	E/C.12/YEM/2
Fifth periodic report	
Germany	E/C.12/DEU/5
Russian Federation	E/C.12/RUS/5

73. At its forty-seventh session, the Committee examined the following reports submitted by five States parties under articles 16 and 17 of the Covenant:

Initial report	
Turkmenistan	E/C.12/TKM/1
Second periodic report	
Estonia	E/C.12/EST/2 and Corr.1
Second and third periodic report	
Cameroon	E/C.12/CMR/2-3
Third periodic report	
Argentina	E/C.12/ARG/3
Israel	E/C.12/ISR/3

74. At its eighth session, the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. Reference is made, in this regard, to the relevant summary records of the meetings of the Committee at which the reports were considered. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should include the Committee's concluding observations relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis in alphabetical order, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its forty-sixth and forty-seventh sessions. In accordance with established Committee practice, members do not take part in the dialogue with the delegation, the drawing up or the adoption of the concluding observations relating to their own country's report.

Forty-sixth session

Germany

75. The Committee on Economic, Social and Cultural Rights considered the fifth report of Germany on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/DEU/5) at its 9th to 11th meetings, held on 6 and 9 May 2011 (E/C.12/2011/SR.9-11), and adopted, at its 29th meeting held on 20 May 2011, the following concluding observations.

A. Introduction

76. The Committee welcomes the submission of the fifth report of Germany, which provides information on the implementation of the previous recommendations of the Committee. The Committee also welcomes the written replies to its list of issues (E/C.12/DEU/Q/5/Add.1), as well as the detailed statistical data supplied therein.

77. The Committee appreciates the opportunity for dialogue with the State party and welcomes the attendance by a high-level delegation which included representatives from relevant ministries.

B. Positive aspects

78. The Committee notes with appreciation the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol (24 February 2009) and of the International Convention for the Protection of All Persons from Enforced Disappearance (24 September 2009). The Committee also welcomes the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (4 December 2008) as well as the two Optional Protocols to the Convention on the Rights of the Child, namely on the involvement of children in armed conflict (13 December 2004) and on the sale of children, child prostitution and child pornography (15 July 2009).

79. The Committee welcomes a number of measures taken by the State party aimed at improving the enjoyment of social, economic and cultural rights, in particular:

(a) The reforms to the labour market which have made it possible to reduce unemployment to its lowest level in the past 20 years;

(b) The adoption of objectives to ensure the effective implementation of the National Integration Plan;

(c) The introduction of universal health insurance coverage under the 2007 Health Reform;

(d) The implementation of the 2007 National Plan of Action to Combat Violence against Women;

(e) The measures taken to protect children from abuse and violence, such as the network of hotlines, the services provided by the child protection centres, and the free counselling services for children and teenagers; and

(f) The policy of promotion and support for long-term care at home.

C. Principal subjects of concern and recommendations

80. The Committee is deeply concerned that many of its previous recommendations adopted after the examination of the third and fourth periodic reports of the State party have not been implemented, as referred to in the present concluding observations.

The Committee urges the State party to take all necessary measures to address its previous recommendations as reiterated in the present concluding observations.

81. The Committee remains concerned that the provisions of the Covenant have not been invoked before the national courts of the State party.

The Committee urges the State party to take all appropriate measures to ensure effective applicability of the provisions of the Covenant in national courts, including by raising awareness of this obligation and the provisions of the Covenant among judges, lawyers and other officials involved in law enforcement. In this regard, the Committee refers the State party to its general comments Nos. 3 (1990) and 9 (1998) respectively on the nature of States parties' obligations and on the domestic application of the Covenant.

82. The Committee regrets that the State party has not acted upon the Committee's previous recommendation to extend the competence of the German Institute for Human Rights to consider complaints.

While noting the availability of other avenues of recourse, including judicial recourse, the Committee recommends that the State party extend the competence of the German Institute for Human Rights to receive complaints, including those relating to economic, social and cultural rights, in view of the accessibility of such mechanisms for the public. In this regard, the Committee draws the attention of the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights, which recommends, inter alia, that national human rights institutions examine complaints alleging infringements of applicable economic, social and cultural rights standards within the State.

83. The Committee notes with deep concern the impact of the State party's agriculture and trade policies, which promote the export of subsidized agricultural products to developing countries, on the enjoyment of the right to an adequate standard of living and particularly on the right to food in the receiving countries (art. 2, paras. 1, 11, 22 and 23).

The Committee urges the State party to fully apply a human rights-based approach to its international trade and agriculture policies, including by reviewing the impact of subsidies on the enjoyment of economic, social and cultural rights in importing countries. In this regard, the Committee draws the attention of the State party to the guidelines on international measures, actions and commitments as contained in the FAO Voluntary Guidelines on the Right to Food (2004).

84. The Committee expresses concern that the State party's policymaking process in, as well as its support for, investments by German companies abroad does not give due consideration to human rights (art. 2, paras. 1, 11, 22 and 23).

The Committee calls on the State party to ensure that its policies on investments by German companies abroad serve the economic, social and cultural rights in the host countries.

85. The Committee is concerned that the State party's development cooperation programme has supported projects that have reportedly resulted in the violation of economic, social and cultural rights, such as in the case of the land-titling project in Cambodia (art. 2, paras. 1, 11, 22 and 23).

The Committee recommends that the development cooperation policies to be adopted by the State party contribute to the implementation of the economic, social and cultural rights of the Covenant and do not result in their violation.

86. The Committee expresses concern that persons with a migration background, including those of the second generation, continue to face serious obstacles in the

enjoyment of their rights to education and employment, due primarily to prevailing prejudices against them and insufficient awareness of their rights. The Committee is also concerned that relevant policies have failed to achieve significant improvement or have not addressed situations of indirect discrimination (art. 2, para. 2).

The Committee urges the State party to strengthen efforts to address the issues faced by persons with a migration background in its education, employment and social policies and plans, including by taking concrete measures aimed at helping them assert their rights and by monitoring the enforcement of laws against racial discrimination in the labour market. Moreover, the Committee urges the State party to collect data on the enjoyment of economic, social and cultural rights by these persons, on the basis of self-identification, and, in this regard, draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination. The Committee also requests the State party to include information in its next periodic report on the work undertaken by the Federal Government Commissioner for Migration, Refugees and Integration.

87. The Committee notes with deep concern the situation of asylum-seekers who do not receive adequate social benefits, live in inadequate and overcrowded housing, have restricted access to the labour market and have access only to emergency health care (art. 2, para. 2).

The Committee urges the State party to ensure, in line with international standards, that asylum-seekers enjoy equal treatment in access to non-contributory social security schemes, health care and the labour market. The Committee also calls on the State party to ensure that national regulations on housing standards, particularly on overcrowding, also apply to reception centres.

88. The Committee remains concerned that the unemployment rate in the Eastern Länders is still double the rate in the Western Länders despite the measures taken to address this disparity (arts. 6, 2, para. 2).

The Committee calls on the State party to take all necessary measures to address regional disparities in employment between the Western and Eastern Länders, including by adopting employment strategies and plans of action targeting regions where unemployment is most severe. Moreover, the Committee recommends that such strategies and plans of action comprise technical and vocational education plans to meet the labour market demands. In this respect, the Committee draws the attention of the State party to its general comment No. 18 (2005) on the right to work.

89. The Committee remains concerned about the low representation of women in decision-making positions, both in the public and private sectors and that the earnings gap remains considerable despite the prohibition of discrimination on the basis of gender and the existence of the principle of equal pay in the State party's legislation (arts. 6, 3 and 9).

The Committee urges the State party to promote equal representation of men and women in decision-making positions in the public and private sectors. The Committee urges the State party to consider doing this through the adoption of quotas in the public sector and effective mechanisms to monitor the compliance by private actors with the State party's equal treatment and anti-discrimination laws.

90. The Committee is concerned that insufficient childcare facilities, women's and men's career choices and stereotypical gender roles continue to impede women's equal enjoyment of the right to work.

The Committee recommends that the State party continue efforts to address gender role stereotypes and to educate girls and boys about equal career opportunities with a view to promoting their pursuance of education in fields other than those traditionally

dominated by either sex. Moreover, the Committee calls on the State party to significantly increase the supply of care services for children, persons with disabilities, older persons and the sick, and the participation of men in caretaking work.

91. The Committee is concerned that, in spite of measures taken, unemployment is high among persons with disabilities and that the situation has not been effectively addressed by the State party's employment services. The Committee is further concerned about the lack of reliable data on the employment situation of persons with disabilities (arts. 6 and 2, para. 2).

The Committee urges the State party to ensure that the Federal Employment Agency provides services to enable persons with disabilities to secure and retain appropriate employment and to progress in their occupational field. In this regard, the Committee refers the State party to its recommendations on the rights relating to work of persons with disabilities as outlined in its general comment No. 5 (1994) on persons with disabilities. The Committee further requests the State party to provide data, disaggregated by year, on the unemployment of persons with disabilities in its next periodic report.

92. While noting the statement by the State party that work performed by prisoners for private companies is voluntary, the Committee regrets that it has not been provided with information on the conditions of work in which prisoners are employed (arts. 6 and 7).

The Committee requests the State party to include information in its next periodic report on the conditions of work of prisoners performing labour for private companies as well as on the measures taken to safeguard their labour rights, such as inspections.

93. The Committee notes with concern that arrangements under the State party's unemployment assistance and social assistance, including the obligation for recipients of unemployment benefits to take up "any acceptable job", which in practice may be interpreted as almost any job, and the assignment of long-term unemployed persons to unpaid community service work, may lead to violations of articles 6 and 7 of the Covenant (arts. 6, 7 and 9).

The Committee urges the State party to ensure that its unemployment benefits schemes takes account of an individual's right to freely accept employment of his or her choosing as well as the right to fair remuneration.

94. The Committee reiterates its concern, as in 2001, that the prohibition by the State party of strikes by public servants other than those who provide essential services constitutes a restriction of the activities of trade unions that is beyond the purview of the restrictions allowed under article 8, paragraph 2, of the Covenant (art. 8).

The Committee once again urges the State party to take measures to ensure that public officials who do not provide essential services are entitled to their right to strike in accordance with article 8 of the Covenant and ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.

95. While noting the ruling of the Federal Constitutional Court upholding the constitutionality of the method for the calculation of the subsistence level, the Committee remains concerned that this method does not ensure an adequate standard of living for the beneficiaries. Moreover, the Committee is concerned that the amount of the social security payment for children is very low with the result that approximately 2.5 million children in the State party remain below the poverty line. Furthermore, the Committee is concerned about the increase in the taxable portion of the pension to 80 per cent in 2005 (arts. 9 and 10).

The Committee urges the State party to review the methods and criteria applied to determine the level of benefits and to monitor the adequacy criteria regularly to ensure that the level of benefits affords the beneficiaries an adequate standard of living. Moreover, the Committee urges the State party to continuously review the impact of its various social security schemes, including the 2011 child package, on child poverty. The Committee also recommends that the State party reconsider its decision to increase the taxable portion of the pension. In this regard, the Committee reiterates its recommendation of 2001 to ensure that the social security reform undertaken by the State party does not retrogressively affect the Covenant rights of the low-income groups and the disadvantaged and marginalized groups of the population and refers the State party to its general comment No. 19 (2008) on the right to social security.

96. The Committee is concerned about the discrimination in the enjoyment of social security rights between Eastern and Western Länders, as reflected in the Federal Constitutional Court decision of July 2010 on the pension rights of former GDR ministers and deputy ministers.

The Committee urges the State party to take prompt and effective measures to prevent any further discrimination in the level of social security benefits between Eastern and Western Länders and remedy the existing cases of such discrimination.

97. The Committee notes with concern that domestic violence does not constitute a specific criminal offence in the State party's legislation. The Committee is also concerned at the increase in violence against women from some ethnic groups (art. 10).

The Committee urges the State party to criminalize domestic violence as a distinct criminal offence. The Committee also encourages the State party to continue to assess the implementation of various measures and plans on the incidence of violence against women, and particularly among some ethnic groups.

98. The Committee notes with concern that according to the State party's data, 13 per cent of the population of the State party live below the poverty line while 1.3 million persons, who are economically active (see A/HRC/WG.6/4/DEU/3, para. 33), require income support as their earnings do not sustain them. The Committee is further concerned that in view of the extensive social security system in the State party, such a level of poverty may be indicative of inadequate levels of benefits or limited access thereto (arts. 11 and 9).

The Committee calls on the State party to adopt and implement a comprehensive anti-poverty programme taking account of the aspects of poverty as identified by the various qualified analyses undertaken by the State party. The Committee recommends that a review of the social security benefits levels be included in such strategies. Moreover, the Committee calls on the State party to integrate human rights into the implementation of the anti-poverty programme, thereby paying particular attention to the disadvantaged and marginalized groups. In this respect, the Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (2001).

99. The Committee reiterates its concern that the State party has not responded to its recommendation of 2001 to report on the extent and causes of homelessness in the State party and for programmes and measures to address this problem (art. 11).

The Committee reiterates its recommendation calling on the State party to report on the extent and causes of homelessness and to take concrete measures to combat it. In this regard, the Committee requests the State party to include information on

homelessness, including data disaggregated by year, sex and Länder, in its next periodic report.

100. The Committee notes with concern that transsexual and inter-sexed persons are often assimilated to persons with mental illness and that the State party's policies, legislative or otherwise, have led to discrimination against these persons as well as to violations of their sexual and reproductive health rights (arts. 12 and 2, para. 2).

The Committee urges the State party to step up measures, legislative or otherwise, on the identity and the health of transsexual and inter-sex persons with a view to ensuring that they are no longer discriminated against and that their personal integrity and sexual and reproductive health rights are respected. The Committee calls on the State party to fully consult transsexual and inter-sex persons for this purpose.

101. The Committee notes with deep concern that the State party has not taken sufficient measures to improve the situation of older persons in nursing homes who reportedly live in inhuman conditions and continue to receive inappropriate care due to a shortage of qualified personnel and inadequate application of standards of care (art. 12).

The Committee urges the State party to take immediate steps to improve the situation of older persons in nursing homes. The Committee particularly calls on the State party to allocate the necessary resources to train nursing care personnel according to the recently adopted standards of training. The Committee also calls on the State party to conduct more frequent and thorough inspections of nursing homes. In this regard, the Committee draws the attention of the State party to the United Nations Principles for Older Persons as well as its general comment No. 6 (1995) on the economic, social and cultural rights of older persons.

102. The Committee notes with concern that as many as 25 per cent of pupils go to school without breakfast and are thereby at risk of malnutrition as lunch is not yet provided in all schools (arts. 13, 12 and 10).

The Committee urges the State party to take concrete measures to ensure that children, especially from poor families, are provided with proper meals. The Committee also calls on the State party to ensure that measures taken in this regard do not further stigmatize children from disadvantaged social backgrounds.

103. The Committee is concerned that the number of pupils who leave schools without a diploma, particularly among the socially disadvantaged, remains high in spite of the various measures taken by the State party such as the individual counselling and monitoring services, and the special support to pupils with special needs (arts. 13 and 2, para. 2).

The Committee urges the State party to address the social aspects of the issue when implementing plans aimed at supporting pupils at risk of leaving schools without a diploma. The Committee also calls on the State party to heighten awareness of the possibility for, and to provide support to, those enrolled in vocational training programmes to acquire the secondary school diploma.

104. The Committee is concerned that the State party has not acted on its earlier recommendation of 2001 to introduce a reduction of fees in higher education with a view to abolishing them, in compliance with the provisions of paragraph 2 (c) of article 13 on the progressive introduction of free higher education (art. 13).

The Committee reiterates its recommendation calling on the State party to introduce a reduction in tuition fees into the national framework legislation regulating higher education and urges the State party to vest more responsibilities in the Federal Government as regards education policies which have to date been devolved to the

Länders. In this regard, the Committee once again draws the attention of the State party to its general comment No. 13 (1999) on the right to education.

105. The Committee notes with concern that education on human rights, including on economic, social and cultural rights, is not given sufficient attention and not systematically integrated into education curricula at various levels (art. 13).

The Committee calls on the State party to provide education on human rights, including on economic, social and cultural rights, to students at all levels as appropriate, and for members of all professions that have a direct role in the promotion and protection of economic, social and cultural rights, including civil servants, teachers, social workers and the police.

106. While noting the information provided in the replies to the list of issues, the Committee is concerned at the lack of data to allow the identification of ethnic and religious groups and minorities in the territory of the State Party and which limits, inter alia, the full enjoyment of their cultural rights (art. 15).

While taking note of the legal provisions which prevent the State party from collecting statistical data on the ethnic composition of its population, the Committee recommends that the State party adopt measures and mechanisms to enable groups and minorities to identify themselves as such, with a view [illegible] guaranteeing their cultural rights, on the basis of self-identification, in particular the right to preserve, promote and develop their own culture, which is an essential basis of their identity. In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

107. **The Committee encourages the State party to increase the level of its contribution of official development assistance, which stood at 0.35 per cent of gross national income (GNI) in 2009,[9] and to achieve the international standard of 0.7 per cent as expeditiously as possible.**

108. **The Committee recommends that the State party take concrete steps to review the policy and practice of early orientation and classification of pupils, taking particular account of the impact of the practice on the higher education achievement especially of those pupils from socially disadvantaged groups, in line with the recommendation of the Special Rapporteur on the right to education (A/HRC/4/29/Add.3).**

109. The Committee requests the State party to include in its next periodic report information on:

(a) Children living and working in the street, including statistical data disaggregated by age group and by migration origin, as well as measures taken to address the problem;

(b) Its policy regarding the protection of health in the context of food containing genetically modified organisms;

(c) The use of coercive medical treatment on mental health patients and the regulations thereon;

(d) The prevalence of drug consumption and the impact of the projects for the prevention of drug consumption and addiction among children and young persons, as outlined in annex 16 of the replies to the list of issues (E/C.12/DEU/Q/5/Add.1); and

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[9] See: http://www.oecd.org/dataoecd/17/9/44981892.pdf.

(e) The incidence of suicide and the impacts of measures taken for its prevention.

110. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.**

111. **The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.**

112. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

113. **The Committee requests the State party to submit its sixth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 June 2016.**

Republic of Moldova

114. The Committee on Economic, Social and Cultural Rights considered the second periodic report of the Republic of Moldova on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/MDA/2) at its 6th to 8th meetings, held on 4 and 5 May 2011 (E/C.12/2011/SR.6-8), and adopted, at its 29th meeting held on 20 May 2011, the following concluding observations.

A. Introduction

115. The Committee welcomes the submission of the second periodic report of the Republic of Moldova and the written replies to its list of issues (E/C.12/MDA/Q/2/Add.1). The Committee appreciates the frank and constructive dialogue with the delegation of the State party, which included representatives from various ministries. It notes, however, that the State party's report did not sufficiently address the issues referred to in the Committee's previous concluding observations (E/C.12/1/Add.91). (It encourages the State party to fill the gap in its next periodic report onwards and focus especially on specific action undertaken to implement the recommendations included below, and report on the progress made annually.)

B. Positive aspects

116. The Committee notes with appreciation the efforts made by the State party in promoting the implementation of social, economic and cultural rights. The Committee welcomes in particular:

(a) The adoption of the National Programme for Gender Equality for 2010–2015;

(b) The inclusion in the Criminal Code of sexual harassment as a crime;

(c) The adoption of the Strategy and National Action Plan on the reform of the residential system of childcare for years 2007–2012; and

(d) The adoption of the Law on Preventing and Combating Domestic Violence of 2007.

C. Principal subjects of concern and recommendations

117. The Committee recommends that the State Party take special efforts to ensure respect, protection and fulfilment of economic, social and cultural rights under the Covenant in negotiating development assistance projects and programmes.

118. The Committee regrets that national courts have not to date made reference to the Covenant in any of their rulings.

The Committee requests the State party to provide in its next periodic report relevant case law, if available. In this respect, the Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant. Moreover, the Committee recommends that the State party take measures to raise awareness of the Covenant and of the possibility of invoking its provisions before the courts, among the judiciary and the public at large.

119. The Committee is concerned about the absence of disaggregated data on the effective realization of Covenant rights for disadvantaged and marginalized individuals and groups, in particular by Roma, persons with disabilities, persons living with HIV/AIDS and non-citizens.

The Committee recommends that the State party take urgent measures to establish a system for the collection and monitoring of annual data on Covenant rights, disaggregated by disadvantaged and marginalized individuals and groups, including (although not exclusively) Roma, persons with disabilities, persons living with HIV/AIDS and non-citizens. The Committee requests the State party to include such comprehensive annual data, on all of the recommendations contained below, in its next periodic report.

120. The Committee is concerned at opinions expressed by certain sectors in the society, including public anti-lesbian, gay, bisexual and transgender (LGBT) statements by high-level politicians, triggered by the submission to parliament in February 2011 of the draft anti-discrimination bill.

The Committee recommends the adoption of the comprehensive anti-discrimination bill, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural Rights.

The Committee also urges the State party to take measures to eliminate discrimination against LGBT people.

It also recommends including provisions in the draft anti-discrimination law on "reasonable accommodation" for persons with disabilities.

121. The Committee is concerned that the Roma population continues to face marginalization and social exclusion, especially in the areas of education, housing, health and employment (art. 2, para. 2).

The Committee recommends that the State party strengthen its efforts to address the socio-economic issues facing the Roma population, including through effective implementation, adequate resourcing and effective monitoring of the Action Plan for the Support of the Roma People from the Republic of Moldova for 2011–2015. The Committee strongly recommends that such efforts be adequately funded and prioritize social inclusion measures, focusing on the areas of education, housing, health, employment, infrastructure, and water and sanitation. The Committee also recommends that the State party create a network of community mediators charged with facilitating interaction between Roma, public authorities, employers, health providers and others. The Committee requests the State party to provide detailed

information in its next report on action taken in this regard as well as the impact measured in all areas.

122. The Committee remains concerned about the significant gender disparities in wages, resulting in women earning 76.4 per cent of the average monthly wage of men in 2009. The Committee is also alarmed at the large number of women in low-paid jobs. The Committee also notes with concern the continuing low representation of women in decision-making positions in the public and private sector (art. 3).

The Committee recommends that the State party take concrete and effective steps, also within the National Programme for Gender Equality 2010–2015, to ensure equal treatment for men and women in the labour market, including equal pay for work of equal value in all sectors. The Committee also recommends that the State party introduce temporary special measures to promote the representation of women in decision-making positions. The Committee draws the attention of the State party to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

123. The Committee is concerned about the high level of unemployment in the State party, in particular amongst the most disadvantaged and marginalized individuals and groups. The Committee is also concerned about the large proportion of the population which is active in the informal sector (30 per cent in 2010) (art. 6).

The Committee recommends that the State party take concrete steps, including through improving its national employment strategy for 2007–2015, to ensure the right to work, and to significantly reduce the unemployment rate, especially amongst the most disadvantaged groups, with a special focus on Roma, persons with disabilities, persons released from penitentiary and social rehabilitation institutions, and women, in particular those that live in rural areas. The Committee recommends that the State party take urgent and effective measures to ensure efficient vocational training and labour inclusion of persons with disabilities, including through the enforcement of the established quota, as well as the creation of centres for professional training and rehabilitation for persons with disabilities. Furthermore, the Committee recommends that measures be taken to regularize the informal sector and extend the access to social security benefits.

124. The Committee remains concerned that the minimum wage in the State party is not sufficient to provide workers with a decent living for themselves and their families (art. 7).

The Committee urges the State party to increase its efforts to guarantee that the national minimum wage is sufficient to ensure an adequate standard of living for workers and their families. The Committee also reiterates its recommendations that the State party introduce a mechanism to determine and regularly adjust the minimum wage in proportion to the cost of living.

125. The Committee remains concerned that the average contributory pension in the State party is well below the minimum subsistence level, and that non-contributory social assistance benefits are even lower. The Committee is furthermore concerned that the criteria for poverty assessment for social aid do not adequately represent the poverty levels, resulting in cash benefits that are well below the subsistence minimum (art. 9).

The Committee recommends that pension levels be increased to a level that allows for an adequate standard of living, and, as a first step, reach the minimum subsistence level. The Committee also recommends that social aid benefits be calculated based on an accurate poverty assessment and allow for families to enjoy an adequate standard of living.

126. The Committee is concerned that the State party continues to be a country of origin and transit for trafficking in persons, and that the prosecution rate of offenders is very low, given the extent of the problem. It is also concerned about the lack of recovery, social integration and counselling services for victims of trafficking (art. 10).

The Committee recommends that the State party ensure prosecution for traffickers, with sentences commensurate to the gravity of the crime of trafficking, as well as protection for victims of human trafficking in criminal proceedings, and adequate support for victims through recovery and counselling measures.

127. The Committee remains concerned about the widespread violence against women, including domestic violence, the limited number and capacity of shelters for victims of domestic violence, and the insufficiency of police protection for victims, as well as the protracted procedure for the issuing of court protection orders (art. 10).

The Committee recommends that the State party ensure that the police act promptly and effectively in all cases of domestic violence, and that court protection orders are issued within the legally defined time limit of 24 hours. It recommends that the State party expand the number, coverage and capacity of shelters for victims of domestic violence. The Committee also recommends that the State party conduct extensive awareness-raising activities on domestic violence for police officers, prosecutors, judges, social workers and the general public.

128. The Committee is extremely concerned that, despite the reform of the residential care system for children of 2007, the rate of institutionalization of children remains very high. The Committee is concerned that the reform has made almost no impact on children with disabilities in institutions, who represent over 50 per cent of the total of institutionalized children, and that services to reintegrate these children back into families, schools and communities are lacking (art. 10).

The Committee strongly recommends that the State party ensure the full implementation of the reform of the residential care system for children, focusing especially on the reintegration of children with disabilities. It strongly urges the State party to ensure the prevention of the separation of children from their families, and the re-integration of deinstitutionalized children, including those with disabilities, through adequate family substitute and family support services as well as community-based services. The Committee requests the State party to include disaggregated data, by year, on progress made in the reintegration of children, with a special focus on children with disabilities, in its next periodic report.

129. The Committee is concerned about the absence of measures taken to mitigate the effects of migration of parents on children staying behind. The Committee is also concerned that the State party does not ensure adequate measures of social and psychological assistance for families, as well as an adequate education for children staying behind (art. 10).

The Committee recommends that the State party implement concrete measures to mitigate the effects of migration on children, through social and psychological support, inter alia. It also recommends that the State party ensure that children left in the custody of caregivers receive adequate education.

130. The Committee is concerned about the prevalence of child labour in the State party, in particular in the agricultural and sales sectors as well as the service economy (art. 10).

The Committee recommends that the State party urgently strengthen its measures to combat child labour, including through the strengthening of the enforcement role of the Labour Inspectorate Office and the strengthening of the 2010 National Action Plan to Eliminate Child Labour, including its effective implementation, paying special

attention to girls, children in hidden work situations and other groups of vulnerable children.

131. The Committee is concerned that Law 99 (25 May 2010) and Government Decision 512 (25 April 2003) may impose arbitrary restrictions on prospective adoptive parents or children, such as those related to health or disability status (art. 10).

The Committee recommends that any conditions set for prospective adoptive parents conform with the requirements of the Covenant and related international law and that, in particular, no arbitrary health or disability criteria be maintained (such as established or perceived disability). The Committee emphasizes that assessments of the eligibility of prospective adoptive parents must be undertaken on an individual basis, without any form of discrimination.

132. The Committee remains concerned about the high level of poverty, estimated to be as high as nearly 30 per cent, especially for those above 65 years of age, persons living in rural areas, persons with disabilities, and Roma. The Committee is also concerned about reports of food insecurity, especially in rural areas (art. 11).

The Committee recommends that the State party take all the necessary measures, including through its national development strategy 2012–2022, to ensure that poverty alleviation and social assistance programmes are targeted at the most disadvantaged and marginalized individuals and groups, including persons above 65 years of age, persons living in rural areas, persons with disabilities, and Roma. The Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E/C.12/2001/17, annex VII).

133. The Committee remains concerned that social housing is not sufficiently provided to the most disadvantaged and marginalized individuals and groups, but rather to young professionals and certain professional categories, such as judges, police and prosecutors.

The Committee encourages the State party to ensure that sufficient resources are allocated for the provision of social housing, especially to the most disadvantaged and vulnerable groups, including Roma. The Committee also reiterates its previous recommendation that the State party undertake a study on the problem of homeless people and report back on its findings in its next periodic report.

134. The Committee is concerned that only half of the population has access to drinking water and sewage systems, with levels in rural areas at only 26.7 per cent, and that the water quality of local sources is very low and deteriorating, as mentioned in the periodic report (art. 11).

The Committee recommends that the State party urgently adopt the draft Water Law, and take all necessary urgent measures to ensure sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses, paying particular attention to the most disadvantaged and marginalized individuals and groups, including Roma. The Committee requests the State party to include disaggregated data, by region, on progress made in this regard in its next periodic report.

135. The Committee is concerned that a significant segment of the population is not insured under the compulsory health insurance scheme, and that nearly a quarter of Roma households do not have a medical insurance policy. The Committee also expresses concern about reports that emergency ambulance services have routinely not responded to calls from Roma living in excluded settlements, as well as from older persons. It furthermore expresses concern about the lack of family doctors, particularly in rural areas, and about

reports that the list of reimbursed medicines in the single compulsory health insurance package is too limited (art. 12).

The Committee recommends that the State party take urgent measures to ensure universal access to affordable primary health care, including by increasing the number of family doctors and community health centres, and include all members of society, including Roma, in the compulsory health insurance scheme. The Committee also recommends that the State party take measures to ensure that emergency ambulance services are extended to Roma and older persons, without exception, and establish a special centre for the submission of complaints regarding the provision of such services.

136. The Committee expresses its concern about the practice of disclosure of a patient's HIV status by doctors and nurses to other medical personnel and third parties, especially in rural areas, as well as about the negative consequences for the employment situation of the affected person and the treatment of their children in schools and kindergartens (art. 12).

The Committee recommends that the State party ensure the confidentiality of a patient's HIV status, including through reforming the Law on HIV/AIDS, and reform of the data management system on HIV/AIDS. The Committee also recommends that the State party take steps to eliminate the mandatory indication of disease codes on all medical sick leave forms.

137. The Committee is concerned about the treatment of patients in psychiatric care, including the deprivation of legal capacity by the medical psychiatric board, the absence of basic necessities in some wards, no daily access to a shower or public telephone in most wards, and the reported punitive application of medications when patients object to treatment. The Committee is furthermore concerned about the lack of independent and effective monitoring of patient treatment in psychiatric institutions (art. 12).

The Committee recommends that the State party take measures to provide alternative forms of mental health treatment, in particular outpatient treatment. In cases where confinement in a psychiatric institution is the only alternative, the Committee calls upon the State party to ensure full respect for human rights of patients, including through independent and effective monitoring of patient treatment in psychiatric institutions and effective judicial control of psychiatric confinement. It also recommends that the State party incorporate into the law the abolition of violent and discriminatory practices against children and adults with disabilities in the medical setting, including deprivation of liberty, the use of restraint and the enforced administration of intrusive and irreversible treatments such as neuroleptic drugs and electroconvulsive therapy (ECT). In addition, the Committee recommends that existing legal provisions allowing for the complete removal or suspension of legal capacity for persons with mental, intellectual or other disabilities be amended in order to avoid abuse. Furthermore, the Committee recommends that provisions for assisted decision-making be developed and implemented without delay.

138. The Committee is concerned that children suffering from epilepsy receive psychiatric treatment, often from a very early age, and that there is an absence of social programmes to support their parents. The Committee is also concerned that children suffering from autism are reportedly not provided with psychological treatment and special supportive programmes (art. 12).

The Committee recommends that the State party ensure that children with epilepsy receive adequate treatment carried out only by neuropaediatric physicians. The Committee further recommends that children with autism are provided with necessary psychological treatment and special supportive programmes. The

Committee also recommends that families taking care of children with autism receive adequate psychological and other appropriate support.

139. The Committee remains concerned about the high rate of infant mortality in the State party, particularly as a result of the failure to provide urgent medical assistance, especially in rural areas (art. 12).

The Committee recommends that the State party adopt urgent and effective measures addressing the high rate of infant mortality, in particular in rural areas. The Committee recommends that such measures include improving the availability and accessibility of medical assistance for the entire population, in particular through family doctors in rural villages.

140. The Committee is concerned that a special course on sexual and reproductive health rights (called the Life Skills course) has been withdrawn from the curriculum in public schools, and that at present there is no such course being offered in public schools (art. 12).

The Committee recommends that the implementation of the National Reproductive Health Strategy 2005–2015 include education in the school curriculum on sexual and reproductive rights.

141. The Committee is concerned that enrolment rates in primary and secondary education are decreasing. The Committee is also concerned about the quality of education, and that efforts are lacking to alleviate the negative impact of indirect and informal costs for the access to education, especially within inadequately funded primary schools in rural areas. It is also concerned that children with disabilities often do not attend mainstream schools or classes, even in cases in which the nature of the disability would not preclude regular education. The Committee is furthermore concerned that children without any disability are often placed in auxiliary schools, reportedly accounting for as much as 40 per cent of enrolment. Furthermore, the Committee is concerned that children accompanying their parents and placed in the Migrants Accommodation Centre in Chisinau do not have access to education (arts. 13 and 14).

The Committee recommends that the State party take measures to counter the decreasing enrolment rates in primary and secondary education, and reiterates its previous recommendation urging the State party to reinforce its efforts to ensure that children are not prevented from attending school because of poverty in the family. Such efforts should also include the alleviation of the negative impact of indirect and informal costs on the access to education, especially within inadequately funded primary schools in rural areas. The Committee furthermore recommends that the State party take urgent measures to ensure the implementation of inclusive education of children with disabilities, such as: (a) obligatory training of all teachers (beyond special education teachers), (b) requiring individual education plans for all students; (c) availability of assistive devices and support in classrooms, and educational materials and curricula; (e) accessibility of physical school environments; (f) teaching of sign language; and (g) the allocation of sufficient financial resources. Finally, the Committee recommends that the State party ensure access to education for children accompanying their parents and placed in the Migrants Accommodation Centre in Chisinau.

142. The Committee is concerned about the limited availability and accessibility of schooling for Roma children living in remote rural settlements, as well as reported anti-Romani discrimination in a number of schools. The Committee is also concerned about the high illiteracy rate among Roma, as well as the low number of Roma with a higher education degree (arts. 13 and 14).

The Committee recommends that the State party ensure the availability and accessibility of schooling for Roma children, including through the provision of financial and material support especially targeted at Roma parents, improvement of the school infrastructure in rural areas, the prevention and combating of discrimination against Roma in schools, as well as the development of the school curriculum in the Roma language.

143. The Committee is concerned that State party legislation does not adequately address the ethnic minorities and groups within its territory, and that these groups lack recognition which would allow them to exercise their rights and express their identity and culture (art. 15).

The Committee recommends that the State party adopt concrete and effective measures of a legislative and other nature, such as public policies to guarantee the recognition of the rights of ethnic minorities to express their own culture and identity. The Committee also urges the State party to adopt specific programmes and plans in the field of culture to contribute to inter-ethnic dialogue, mutual tolerance and social cohesion.

144. **The Committee encourages the State party to proceed to sign and ratify the Optional Protocol to the Covenant, as announced by the State party delegation during the interactive dialogue with the Committee.**

145. **The Committee requests that the State party disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage the national human rights institution, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

146. **The Committee requests the State party to submit its third periodic report, taking into account the concerns expressed and recommendations made by the Committee in these concluding observations, and prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 June 2016.**

Russian Federation

147. The Committee on Economic, Social and Cultural Rights considered the fifth periodic report of the Russian Federation on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/RUS/5) at its 15th, 16th and 17th meetings, held on 11 and 12 May 2011 (E/C.12/2011/SR.15-17), and adopted, at its 29th meeting held on 20 May 2011, the following concluding observations.

A. Introduction

148. The Committee welcomes the submission of the fifth periodic report of the State party, which contained comprehensive and detailed information on the situation in the State party. The Committee also appreciates the comprehensive written replies to the list of issues (E/C.12/RUS/Q/5/Add.1). The Committee welcomes the frank and constructive dialogue with the high-level delegation of the State pa

B. Positive aspects

149. The Committee notes with appreciation the positive efforts made by the State party, since the last review of the State party's report, that have contributed to the promotion of the implementation of social, economic and cultural rights. The Committee welcomes in particular:

(a) The ratification in July 2010 of the ILO Convention No. 135 (1973) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, and in April 2004 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing it;

(b) The establishment in September 2004 of the Ministry of Regional Development of the Russian Federation with the responsibility for implementation of policies on ethnic minorities' issues;

(c) The adoption in February 2009 of a policy framework for the sustainable development of the small indigenous peoples in the North, Siberia and the Far East of the Russian Federation;

(d) The adoption in November 2010 of the Federal Strategy of Development of Rural Areas for the period until 2020.

C. Principal subjects of concern and recommendations

150. **The Committee recommends the State party to provide updated information in its next periodic report on the practical application of the Covenant, including through disaggregated data and relevant statistics on a comparative annual basis, regarding the implementation of its laws and the practical results of plans, programmes and strategies carried out in relation to the various rights enshrined in the Covenant. The Committee further recommends the State party to collect and include in its next periodic report detailed information on significant jurisprudence from domestic courts which make specific use of provisions of the Covenant.**

The Committee calls on the State party to ensure that judges, lawyers and prosecutors are trained on a regular basis about the justiciability of economic, social and cultural rights and to take other effective measures to ensure the provision of judicial or other remedies for violations of economic, social and cultural rights. In this regard, the Committee refers the State party to its general comments Nos. 3 (1990) and 9 (1998) respectively on the nature of States parties' obligations and on the domestic application of the Covenant.

151. The Committee is concerned that the information provided with regard to the work of the Office of the Human Rights Commissioner of the Russian Federation does not allow a full assessment of the effectiveness of its work, in particular it does not provide data disaggregated by sex, or disadvantaged and marginalized groups such as persons with disabilities, Roma, homeless, undocumented persons, ethnic minorities, forcibly displaced persons, migrants, refugees and asylum-seekers. The Committee is also concerned that the large number of petitions refused (half of petitions received on a yearly basis) shows either a lack of dissemination of information about the way in which the Office of the Human Rights Commissioner works, or that the requirements for acceptance of petitions do not meet the needs of those who are mostly in need of the Office as a valid alternative to judicial and administrative forms of remedies.

The Committee recommends that the State party disseminate widely among its population information about the methods of work of the Office of the Human Rights Commissioner. The Committee also urges the State party to consider reviewing the requirements for acceptance of petitions, in particular the requirement of exhaustion

of local remedies, in order to make the Office an alternative means of redressing grievances, rather than a last-resort institution. In this regard, the Committee refers the State party to its general comment No. 10 (1998) as regards the role of national human rights institutions in the protection of economic, social and cultural rights.

152. While taking note of the measures undertaken by the State party, including the adoption of the Presidential Decree No. 460 of 13 April 2010 on the National Strategy to combat corruption and the National Plan to combat corruption for 2010–2011, the Committee remains concerned about the extent of corruption in the State party, and its negative impact on the full enjoyment of economic, social and cultural rights by the population of the State party (art. 2, para. 1).

The Committee requests the State party to step up its efforts to take effective measures, legislative or otherwise, to combat corruption both at federal, and regional and local levels, including by allocating sufficient resources for the implementation of its national strategy and national plan to combat corruption. The Committee also encourages the State party to establish an effective monitoring mechanism and control over the use by State organs, in particular at the regional and local levels, of the resources allocated for the realization of economic, social and cultural rights.

153. While taking note of the measures taken by the State party, in particular the adoption in February 2009 of a policy framework for the sustainable development of the indigenous peoples in the north, Siberia and the far east of the Russian Federation, the corresponding action plan for 2009–2011, and the federal target programme for the economic and social development of the indigenous peoples until 2011, the Committee is concerned at the lack of concrete outcomes of the new policy, action plan and target program. The Committee is also concerned that changes to federal legislation regulating the use of land, forests and water bodies, in particular the revised Land (2001) and Forest (2006) Codes and the new Water Code, deprive indigenous peoples of the right to their ancestral lands, fauna and biological and aquatic resources, on which they rely for their traditional economic activities, through granting of licences to private companies for development of projects such as the extraction of subsoil resources (art. 2, para. 2).

The Committee recommends that:

(a) The State party incorporate the right of indigenous peoples to their ancestral lands into the revised Land Code and the new revised draft Law on Territories of Traditional Nature Use, and the right to free access to natural resources on which indigenous communities rely for their subsistence into the Forest and Water Codes;

(b) Seek the free informed consent of indigenous communities and give primary consideration to their special needs prior to granting licences to private companies for economic activities on territories traditionally occupied or used by those communities;

(c) Ensure that licensing agreements with private entities provide for adequate compensation of the affected communities;

(d) Intensify its efforts to effectively implement the federal target programme for the economic and social development of the indigenous peoples, extend it to all peoples that self-identify as indigenous;

(e) Adopt and implement by the next periodic report, the new revised draft law on territories of traditional nature use of indigenous numerically small peoples of the north, Siberia and the far east of the Russian Federation;

(f) The Committee urges again the State party to consider ratifying ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.

154. The Committee remains concerned about reports that, in practice, the enjoyment of many rights and benefits still depends on registration, despite the adoption of the Federal Act No. 5242-1 of 1993 on the right of citizens of the Russian Federation to freedom of movement and freedom to choose their place of residence within the boundaries of the Russian Federation (art. 2, para. 2).

The Committee urges the State party to take effective measures, legislative or otherwise, to ensure in practice that the lack of residence registration and other personal identity documents does not hinder the enjoyment of economic, social and cultural rights in accordance with the Covenant. The Committee further recommends the State party to adopt a single registration number for each of its citizens that may give access everywhere on its territory to the enjoyment of all social benefits accorded in the State party irrespective of the place of registered residence or lack thereof, in particular with regard to the homeless, Roma and other categories of disadvantaged or marginalized groups in the State party.

155. The Committee is concerned at the continued absence of a federal plan of action addressing the social and economic marginalization of the Roma. The Committee also remains concerned at the lack of adequate response to its request (in the list of issues) to provide detailed information on the situation of Roma settlements, and the eviction of Roma from their dwellings, and the destruction of such dwellings in cities and regions of the State party, often ordered without provision of alternative housing (art. 2, para. 2).

The Committee encourages the State party to adopt a national programme of action for the promotion of economic, social and cultural rights of Roma, and to allocate sufficient resources for its effective implementation. The Committee also recommends the State party to review its policy on eviction and destruction of Roma dwellings, in line with its general comment No. 7 (1997) on the right to adequate housing: forced evictions.

156. The Committee remains concerned about the absence of a general basic law prohibiting discrimination in the State party (art. 2, para. 2).

The Committee calls upon the State party to adopt a general basic law prohibiting all forms of discrimination in the State party in addition to the laws already in existence prohibiting discrimination in specific areas, in line with the Covenant and the general comment No. 20 (2009) of the Committee on non-discrimination in economic, social and cultural rights.

157. The Committee notes with concern that, in spite of the measures taken by the State party, persons with disabilities in the State party reportedly continue to face marginalization in the enjoyment of their economic, social, and cultural rights, including in employment, education and healthcare assistance (art. 2, para. 2).

The Committee urges the State party to intensify its efforts to combat the marginalization of persons with disabilities. In particular, the Committee encourages the State party to continue to take effective measures to promote the integration of persons with disabilities into the labour market, including by strengthening the effectiveness of the system of job quotas for them, reintroducing the tax benefits as incentives for hiring persons with disabilities, and establishing an efficient enforcement procedure and remedies. The Committee refers the State party to its general comment No. 5 (1994) on persons with disabilities and encourages again the

State party to consider ratifying the Convention on the Rights of Persons with Disabilities.

158. While noting the efforts of the State party, including the establishment in June 2006 of the Interdepartmental Commission on Equality between Men and Women and the adoption of the National Strategy on Equal Rights and Equal Opportunities for Men and Women in the Russian Federation, the Committee reiterates its concerns about gender inequality in the State party, particularly with regard to participation in political and public life, which is perpetuated by harmful traditions and stereotypes about the lesser role of women in the State party (art. 3).

The Committee recommends the State party to continue its efforts to promote gender equality and to adopt the draft federal law on State guarantees of equal rights and freedoms, and equal opportunities, for men and women in the Russian Federation. The Committee urges the State party to allocate all necessary resources for the implementation of its National Strategy on Equal Rights and Equal Opportunities for Men and Women in the Russian Federation.

The Committee also recommends the State party to work with the media and other opinion makers to promote a positive, non-stereotypical and non-discriminatory portrayal of women.

159. The Committee is concerned that sections 280, 281.1, and 282.2 of the Criminal Code provide for terms of imprisonment together with forced labour (art. 6).

The Committee urges the State party to review sections 280, 281.1 and 282.2 of the Criminal Code, under which a number of acts are punishable with sanctions of imprisonment together with compulsory labour.

160. The Committee reiterates its concern, in spite of the State party's efforts, that the situation of women in employment remains precarious and that women are the overwhelming majority of workers in lower level and low-paid jobs in the various parts of both the public and private sectors. The Committee is also concerned by the wide gender pay gap, with the average income of women being 65.3 per cent of the average income of men across the country (art. 7).

The Committee encourages the State party to ensure just and favourable conditions of work for women in the labour market, in particular to step up its efforts to raise the pay of employees in the education, healthcare and other public sectors in order to reduce the pay gap between women and men in the State party.

161. The Committee remains concerned about the high incidence of sexual harassment in the work place in the State party. The Committee is also concerned at the narrow definition of sexual harassment essentially as the victim performing sexual acts against his or her will (art. 7).

The Committee urges the State party to take all appropriate measures to address the problems of sexual harassment in the State party. The Committee recommends the State party to consider introducing in the Criminal Code and the Labour Code, sexual harassment in the workplace as a separate offence, in order to strengthen the protection of women against discrimination in the workplace.

162. The Committee is concerned, that women's equal right to work is unduly restricted in the State party, with as many as 456 jobs and 36 branches of industries excluding women from certain employment sectors. The Committee is also concerned that, while this policy was originated with the intention of protecting women from unsafe work and working conditions, no assessment has been made on the real impact on women's reproductive

health. The Committee is further concerned that there has been no monitoring whether these jobs are in compliance with the safety standards in the workplace (art. 7).

The Committee requests the State party to review the list of restricted jobs with a view to eliminate discrimination against women in the workplace. The Committee also requests the State party to consider reviewing resolution 162 of 25 February 2000, and section 353 of the Labour Code to ensure the equal enjoyment by women of their right to work. The Committee further requests the State party to ensure that the safety and health standards in the workplace are strictly observed for both women and men.

163. The Committee remains concerned, in spite of the efforts being undertaken, including the ratification of the treaty on protection of migrant workers with Uzbekistan on 28 June 2009, about the high levels of the informal economy in the State party and that illegal migration of labour is widespread, which means that a large number of people work without legal and social protection (art. 7).

The Committee encourages the State party to continue its efforts to protect the Covenant rights of workers in the informal labour market. The Committee also calls upon the State party to continue to undertake effective measures to regularize the situation of illegal immigrants and reduce the number of workers outside the formal economy, in order to limit the gaps in the protection accorded to them. These measures should include, but not be limited to the following:

(a) Increase the flexibility of the registration and quota system, including by enabling migrants to legalize their stay on a declaratory basis and to obtain work permits for longer periods (three–five years) with the subsequent possibility of the regularization of their permanent residence in the country;

(b) Ensure that migrant workers have access to effective appeals against orders of deportation and that detention and deportation of migrant workers are made in full compliance with the human rights obligations of the Russian Federation;

(c) Exercise strict control over private entities to ensure respect for just, equally favourable social and employment conditions for migrant workers;

(d) Increase the flexibility of access of migrant workers to the system of social benefits of the State party;

(e) In this regard the Committee further invites the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

164. The Committee remains concerned, in spite of the efforts undertaken, about the low level of the minimum wage, which remains well below the minimum subsistence level and is therefore inadequate to provide workers with a decent living for themselves and their families. This problem is aggravated by the continuing practice of wage arrears in the State party (art. 7).

The Committee encourages the State party to continue to take effective measures to raise wages, prevent wage arrears and ensure the implementation of article 133 of the Labour Code, which, in line with the Covenant, stipulates that the minimum wage must not be lower than the worker's minimum subsistence level in order to enjoy a decent living.

165. The Committee is concerned that the relevant legislation of the State party still imposes restriction on the right to strike for workers of certain public sectors such as federal courier communications, railway workers and municipal employees, and others who do not exercise authority in the name of the State (art. 8).

The Committee urges the State party to amend its relevant legislative acts to ensure that all public servants who do not exercise authority in the name of the State party, can exercise freely their right to strike.

166. The Committee is concerned that section 31 of the Labour Code provides that authorization to bargain collectively can be conferred on representatives' bodies other than trade unions, and imposes compulsory arbitration in any services determined by the federal laws of the State party (art. 8).

The Committee urges the State party to amend its relevant legislation to ensure that collective bargaining is always entrusted to trade unions, where they are established in the workplace. The Committee also calls on the State party to ensure that compulsory arbitration is restricted to what are known as essential services.

167. The Committee is concerned, in spite of the information provided with regard to the various entitlements of asylum-seekers and refugees, that persons granted temporary asylum status, unlike recognized refugees, do not have access to the State healthcare facilities and services or to any social security, other than emergencies (art. 9).

The Committee urges the State party to consider extending the same social security benefits, including access to healthcare facilities and services, to persons granted temporary asylum status in the State party.

168. The Committee remains concerned, in spite of the information provided by the State party on measures undertaken, about the continued prevalence of domestic violence (art. 10).

The Committee recommends that the State party strengthen measures to combat domestic violence and its effects by, inter alia:

(a) Adopting a specific legislative act criminalizing domestic violence;

(b) Strengthening public-awareness campaigns against domestic violence;

(c) Strengthening support for victims of domestic violence in order to ensure their access to adequate services for recovery, counselling and other forms of rehabilitation.

The State party should also ensure mandatory training for the police to sensitize them with regard to all forms of domestic violence. The Committee urges the State party to provide, in its next periodic report, statistics and disaggregated data on trends in the prevalence of various forms of domestic violence.

169. The Committee remains concerned, in spite of the steps taken by the State party, about continued reports of trafficking in women and children for sexual exploitation and abuse (art. 10).

The Committee encourages the State party to further strengthen measures to combat trafficking in women and children and combat the sexual exploitation, abuse and prostitution of children by, inter alia, developing programmes to address the root causes of trafficking and sexual exploitation of women and children. The Committee also again encourages the State party to adopt its comprehensive draft law on combating trafficking in human beings, which would provide for a system of bodies to combat trafficking and contain provisions concerning prevention of trafficking, as well as protection and rehabilitation of victims.

170. The Committee remains concerned about the large number of children who live and work on the streets, in particular in the informal sector where they are vulnerable to abuse, including sexual abuse, and to other forms of exploitation to such an extent that regular school attendance is severally restricted (art. 10).

The Committee urges the State party to take all necessary measures to ensure the protection of children from social and economic exploitation. The Committee urges the State party to intensify its efforts to, inter alia:

(a) Take effective measures to address the root causes of the phenomenon of street children;

(b) Take effective and appropriate measures to ensure that street children have access to education, shelter and health care;

(c) Address the sexual abuse and other exploitation of street children through the prosecution of perpetrators of abuse and the reintegration of victims into society.

The Committee recommends the State party to include information, in its next periodic report, on the measures taken to address the situation of street children and any progress made in this respect.

171. While noting the efforts undertaken to promote alternative family-based forms of placement of children, the Committee remains concerned, by the large number of children placed in care institutions in the State party (art. 10).

The Committee encourages the State party to continue to adopt measures, legislative or otherwise, to reduce the number of children living in institutions, and to intensify its efforts to develop family-based alternative care.

The Committee urges the State party to ensure adequate supervision of the children placed either in institutions, or in family-based alternative care.

172. The Committee remains concerned that, in spite of the efforts undertaken by the State party, an estimated 18.7 million people, or 13.3 per cent of the population, are denied an adequate standard of living and continue to live below the poverty line (art. 11).

The Committee encourages the State party to continue to allocate resources to combat poverty and promote an adequate standard of living for all, and to continue to reduce the number of persons below the subsistence level down to 4–8 million by the next periodic report. The Committee further recommends the State party to adopt a national strategy integrating economic, social and cultural rights to combat poverty in line with the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural rights.

173. The Committee remains concerned, in spite of the efforts undertaken, about the problem of homelessness in the State party (art. 11).

The Committee encourages the State party to step up its efforts to address the problem of homelessness, including by ensuring that adequate resources are set aside for the provision of social housing, with priority given to the most disadvantaged and marginalized groups, including the forcibly displaced persons and the Roma.

174. While noting the information about the free medical-care system coverage of all indigenous peoples in the north, Siberia and the far east, which includes a compulsory annual check-up at State and municipal healthcare facilities under the programme of State guarantees, the Committee is concerned about reported gaps in the ambulatory system coverage, which resulted from the new territorial reorganizations in the State party, in particular as it affected the small indigenous village of Pareny in Kamchatka which has reportedly had no access to ambulatory medical care for two years (art. 12).

The Committee recommends the State party to take measures to ensure that the administrative reorganization of its territory does not negatively impact on the level of healthcare assistance provided to the indigenous peoples in the north, Siberia and the

far east, in accordance with the programme of State guarantees concerning the provision of free medical care to citizens of the Russian Federation.

175. The Committee remains concerned about the spread of drug addiction, including by way of injection, which is the main factor for the growing epidemic of HIV/AIDS, hepatitis C and tuberculosis in the Russian Federation. The Committee also remains concerned about the continued ban on the medical use of methadone and buprenorphine for treatment of drug dependence and the fact that the Government does not support opioid substitution therapy (OST) and needle and syringe programmes which are strongly recommended by the World Health Organization (WHO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Office on Drugs and Crime and other international organizations as effective measures for prevention of HIV/AIDS among injecting drug users (art. 12).

The Committee urges the State party to apply a human rights-based approach to drug users so that they do not forfeit their basic right to health. The Committee strongly recommends the State party to provide clear legal grounds and other support for the internationally recognized measures for HIV prevention among injecting drug users, in particular the opioid substitution therapy with use of methadone and buprenorphine, as well as needle and syringe, and overdose prevention programmes.

176. The Committee remains concerned that, in spite of the efforts undertaken by the State party, a large number of women especially in rural areas have limited access to reproductive and sexual health services, and at the lack of reproductive and sexual health education in the State party (art. 12).

The Committee calls on the State party to continue its efforts to increase knowledge of and access to affordable contraceptive methods in the State party and to ensure that family-planning information and services are available to everyone including in the rural areas. The Committee also encourages the State party to include in the school curricula sex education among the adolescents, to prevent early pregnancy and the control of sexually transmitted infections, including HIV/AIDS, and reproductive and sexual healthcare education. The Committee further encourages the State party to include the costs of modern contraceptive methods in the public health insurance scheme.

177. The Committee is concerned about reports that in many cases victims of maltreatment in hospitals or by physicians have not been able to receive redress either administratively or judicially (art. 12).

The Committee recommends that in its next periodic report the State party gives fuller details regarding alleged cases of maltreatments brought against healthcare institutions and physicians in court proceedings, showing how successful such proceedings have been and the figures per year dealt with during the reporting cycle.

178. The Committee remains concerned about the sizeable numbers of children who do not attend school in the State party (arts. 13, 14).

The Committee urges the State party to strengthen its efforts to ensure that no child is deprived of the right to education in particular in the rural areas and among the disadvantaged and marginalized groups including the Roma, indigenous peoples and children with disabilities.

The Committee encourages the State party to strengthen its efforts and privilege integrated schooling for all disadvantaged and marginalized groups in particular Roma and children with disabilities.

179. The Committee is concerned that, in spite of the information provided by the delegation, children living in Chechnya and the Northern Caucasus reportedly remain affected in one or other way by the prevailing consequences of the ended conflict, in particular with regard to their right to education (arts. 13, 14).

The Committee recommends that the State party take urgent measures to ensure that all children living in Chechnya and the Northern Caucasus and those internally displaced pursue their schooling in conformity with the Federal Law on education and to prevent their voluntary recruitment into military units.

180. While noting the information on measures undertaken in the State party to ensure full enjoyment and access of cultural and leisure facilities for everyone, the Committee is concerned that some of these facilities are not fully accessible for persons with disabilities. The Committee is also concerned about the lack of adequate protection in the legal system of the State party of the right of indigenous peoples in the north, Siberia and the far east, to their ancestral lands and to the traditional use of their natural resources. It is also concerned about the lack of adequate protection of their intellectual property rights and of information on intellectual property rights (art. 15).

The Committee urges the State party to extend its programme of creating a barrier-free, accessible environment to cover cultural and leisure facilities. The Committee further recommends that the State party include in the new drafts of law being developed clear and precise norms for the effective protection of the right of indigenous peoples in the north, Siberia and the far east, to their ancestral lands, natural resources and cultural heritage, including protection of their intellectual property rights to their works which are an expression of their traditional culture and knowledge.

181. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.**

182. **The Committee requests information concerning the extent of the practice of discrimination against lesbian, gay, bisexual and transgender persons in particular in employment, health care and education in the State party (art. 2, para. 2).**

183. **The Committee requests the State party to provide data on right to health issues based on health indicators on an annual basis and disaggregated according to the prohibited grounds of non-discrimination in its next periodic report (art. 12).**

184. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate into the main minority languages spoken in the Russian Federation, and publicize them as far as possible and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue to engage the national human rights institution, non-governmental institutions and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

185. **The Committee invites the State party to update its core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth Inter-Committee Meeting of the Human Rights Treaty Bodies held in June 2006 (HRI/MC/2006/3).**

186. **The Committee requests the State party to submit its sixth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 June 2016.**

Turkey

187. The Committee on Economic, Social and Cultural Rights considered the initial report of Turkey on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/TUR/1) at its 3rd to 5th meetings, held on 3 and 4 May 2011 (E/C.12/2011/SR.3-5), and adopted, at its 29th meeting, held on 20 May 2011, the following concluding observations.

A. Introduction

188. The Committee welcomes the submission, although delayed, of the initial report of Turkey, which generally conforms to its reporting guidelines, as well as the written replies to its list of issues (E/C.12/TUR/Q/1/Add.1). The Committee also welcomes the detailed statistical data included in both documents, which have enabled an assessment of the progressive realization and the enjoyment of economic, social and cultural rights in the State party.

189. The Committee welcomes the initiation of the dialogue with the State party on the implementation of the Covenant and appreciates the attendance of a delegation of representatives from various ministries at the examination of its initial report. The Committee however regrets that the delegation has not provided responses to some of its important oral questions.

B. Positive aspects

190. The Committee welcomes the ratification of several core international instruments undertaken over the past decade, including eight core human rights treaties.

191. The Committee notes a number of measures taken by the State party aimed at improving the enjoyment of economic, social and cultural rights, in particular:

(a) The establishment of the Parliamentary Commission on Equal Opportunities for Women and Men;

(b) The expansion of vaccination coverage, which has markedly reduced infant and child mortality;

(c) The implementation of the Health Transformation Programme, which has brought about a more sustainable and accountable health system;

(d) The amendments to the Penal Code and other enactments to combat violence against women;

(e) The amendments to the Penal Code on trafficking which bring its provisions in line with the relevant international convention and its protocols.

C. Principal subjects of concern and recommendations

192. The Committee is concerned about the State party's reservation to the effect that it will interpret and apply the provisions of article 13, paragraphs 3 and 4, of the Covenant in accordance with its Constitution.

The Committee recommends that the State party withdraw its reservations to the Covenant, in particular the reservation to article 13, paragraphs 3 and 4, with a view to applying their provisions and interpreting them in the light of the jurisprudence of the Committee.

193. Though the Committee notes with appreciation the Constitutional guarantee of supremacy of the Covenant over domestic laws, it however regrets the absence of court cases on the applicability of the provisions of the Covenant.

Recalling the obligation of the State party to render the articles of the Covenant justiciable in its domestic court system, the Committee requests the State party to include in its next periodic report information on court decisions applying the provisions of the Covenant. The Committee also calls on the State party to ensure that legal training programmes for judges and lawyers include courses on the justiciability of the rights contained in the Covenant. In this regard, the Committee draws the attention of the State party to its general comments No. 3 (1990) on the nature of States parties' obligations and No. 9 (1998) on the domestic application of the Covenant.

194. The Committee notes with regret that the State party has not yet established a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Committee also notes that the office of the ombudsman has not yet been created.

The Committee urges the State party to establish a national human rights institution in accordance with the Paris Principles and with a mandate that includes the rights under the Covenant. The Committee also calls on the State party to seek the accreditation of such institution by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in due course. In this regard, the Committee refers the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

195. While noting the legislative reforms undertaken by the State party, the Committee is concerned about the absence of a basic and general legislation against discrimination (art. 2, para. 2).

The Committee calls on the State party to adopt a general law on non-discrimination in line with the Covenant and the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. In this regard, the Committee also requests the State party to include in its next periodic report information on the mandate and the activities of the Anti-discrimination and Equality Board.

196. In view of the fact that the State party recognizes only Greeks, Jews and Armenians as minorities, the Committee expresses concern about the absence of a broad legislative framework for the recognition of all minorities in the State party, including Kurds, Roma and Arameans, and the protection of their rights. The Committee is further concerned about the denial of minority rights of these communities (art. 2, para. 2).

The Committee urges the State party to recognize all the minorities in its territory, to provide them with the full opportunities to enjoy their economic, social and cultural rights and to adopt the necessary plans of action for this purpose.

197. The Committee notes with deep concern that persons with disabilities in the State party continue to face great difficulties in exercising their rights under the Covenant, including with regard to access to employment, housing, education and health care. The Committee also notes with regret that persons with disabilities have continued to lack proper access to buildings, parks, hospitals, transportation systems and other public places and services. The Committee is further concerned that a significant number of persons with disabilities do not receive social security benefits (art. 2, para. 2).

The Committee urges the State party:

(a) To provide persons with disabilities with their full rights under the Covenant and without discrimination and ensure that they have physical access to

buildings, parks, hospitals, school, transportation systems and other public places and services;

(b) To allocate resources for making the necessary accommodations to public and private infrastructure and services in the State party, as required by the provisions of articles 2 and 3 of the Disability Act;

(c) To raise public awareness, including through mass campaigns, about the rights of persons with disabilities, so as to combat negative stereotypes and prejudices;

(d) To strictly monitor the enforcement, both in the public and private sectors, of the quota system established by article 30 of the Labour Act, which prescribes the recruitment of at least 1 person with disabilities in every establishment which employs more than 50 people;

(e) To combat the marginalization of persons with disabilities by taking account of their special needs in the income-maintenance schemes of the social security system;

(f) To put into place a mechanism for collecting data on the enjoyment of economic, social and cultural rights of persons with disabilities so as to ascertain the nature of their difficulties, and to assess the impacts of the Disability Act.

Bearing in mind the Committee's general comment No. 5 (1994) on persons with disabilities, the Committee requests the State party to include detailed information on the implementation of the above-mentioned recommendations in its next periodic report.

198. The Committee is concerned that migrant workers, asylum-seekers and refugees still face serious difficulties in accessing health services, education and employment despite the legal provisions promoting their access to these services (art. 2, para. 2).

The Committee urges the State party to raise public and official awareness about migrant workers, asylum-seekers and refugees with a view to according them their full rights under the Covenant.

199. The Committee notes with concern the significant discrepancies between regions, as well as between urban and rural areas, in the enjoyment of economic, social and cultural rights. It also notes the concentration of the incidence of high poverty, particularly in the eastern regions where the opportunity to enjoy the full rights under the Covenant is lacking (art. 3).

The Committee urges the State party to address the disparities in the enjoyment of economic, social and cultural rights between regions, as well as between urban and rural areas, by adopting the measures necessary to improve conditions in the most disadvantaged areas.

200. The Committee is concerned that, despite the legislative and institutional reform undertaken and implemented by the State party with regard to gender equality, women continue to be treated unequally. It is moreover concerned that women's working conditions have worsened in recent times, with many women forced to seek employment in the informal economy. The Committee notes the lack of information on the impact of, and the results achieved by, the Gender Equality National Action Plan (art. 3).

The Committee recalls article 3 of the Covenant and its general comment No. 16 (2005) on the equal rights of men and women to the enjoyment of all economic, social and cultural rights, and calls on the State party:

(a) To raise public awareness about gender equality and adopt the necessary measures, legislative or otherwise, with a view to changing prejudices and perception about gender roles;

(b) To expand the supply of day-care services;

(c) To adopt a quota system in various areas to accelerate women's representation in political life and in the labour market;

(d) To monitor, in collaboration with civil society organizations, the impact on the enjoyment of economic, social and cultural rights of women of all measures taken by collecting specific data on the results of all its programmes and measures to promote gender equality.

The Committee also requests the State party to include in its next periodic report information on the impact of measures taken to enhance women's representation in the formal economy and on the outcomes of the monitoring and evaluation of the Gender Equality National Action Plan.

201. The Committee notes with concern that the incidence of sexual harassment in the workplace is reportedly widespread and regrets the lack of information and statistical data on complaints and court cases relating to sexual harassment (arts. 3 and 7).

The Committee requests the State party to include in its next periodic report information on the incidence of sexual harassment in the workplace as well as statistical data on cases of sexual harassment brought to the criminal and the labour courts, including information on indictments and sentences in this regard.

202. The Committee is concerned that unemployment in the State party has not decreased despite the economic growth and the implementation, since 2003, of the National Employment Strategy. Moreover, the Committee is concerned that unemployment is particularly affecting young persons (art. 6).

The Committee urges the State party to ensure that any new labour market policies to be adopted by the State party are aimed at providing everyone with opportunities to secure an employment, particularly by:

(a) Implementing the conclusions from a comprehensive review of the past National Employment Strategy;

(b) Allocating more resources for job creation;

(c) Creating more favourable conditions for young people in the labour market through measures such as increases in vocational education opportunities.

In this regard, the Committee refers the State party to its general comment No. 18 on the right to work (2005) and its recommendations on technical and vocational training as contained in general comment No. 13 (1999) on the right to education.

203. The Committee expresses concern at the low level of the minimum wage in the State party, which does not allow for a decent standard of living for the workers and their families (art. 7).

The Committee urges the State party to review its system for determining the minimum wage, with a view to ensuring that it will enable workers and their families to enjoy a decent standard of living. The Committee also urges the State party to ensure, through its labour inspection system, that the minimum-wage standard is effectively enforced.

204. The Committee is concerned that there is a wide wage gap between men and women in the State party and that labour inspections have neither identified nor reported cases of violation of the principle of equal remuneration for work of equal value (art. 7).

The Committee calls on the State party:

(a) To raise awareness of the illegality of the application of different rates for men and women for work of equal value and of the obligation of employers in this regard;

(b) To provide accessible and effective remedies in case of discrimination in remuneration;

(c) To train labour inspectors in the application of the principle of equal remuneration for work of equal value and take other measures to ensure an effective enforcement of applicable legislation.

205. While noting that draft bills amending the acts of the State party on trade unions, collective labour agreements, strikes and lockouts are being considered, the Committee notes with concern that the legislation currently in force in the State party imposes severe restrictions on the right to form unions and on the right to strike. The Committee is also concerned that foreign workers cannot join trade unions (art. 8).

The Committee calls on the State party to adopt the necessary legislative measures to allow foreign workers the right to join trade unions of their choice and to amend the existing act on trade union in order to lift existing restrictions.

206. The Committee expresses concern at the precarious situation of those employed in the informal economy, which accounted in 2006 for 48.5 per cent of the total working population and 66 per cent of working women (arts. 9 and 7).

The Committee calls on the State party to review its social security schemes so as to ensure that workers, in particular women, in the informal economy are also covered. In this regard, the Committee refers the State party to its general comment No. 19 (2007) on the right to social security.

207. The Committee is concerned that about 20 per cent of the population in the State party does not benefit from any social security coverage. The Committee also regrets that the information provided to it has not enabled the Committee to ascertain to what extent the social security system provides protection against the social risks and contingencies required by the Covenant and as to whether the measures taken have been effective at improving the situation (art. 9).

The Committee requests that the State party include in its next periodic report:

(a) Detailed information on the coverage of the social security system of the State party, referring to the branches enumerated in paragraphs 12–21 of the Committee's general comment No. 19 (2007) on the right to social securitv:

(b) Detailed information on the coverage of the social security system of the State party, including for disadvantaged and marginalized groups, and on the number of holders of health green cards.

208. The Committee expresses concern at the small percentage of older persons who receive pension benefits and at the level of the pension, which does not provide for a decent standard of living for pensioners (arts. 9, 11 and 2, para. 2).

The Committee urges the State party to extend assistance to older persons who do not receive any income and to review the level of the pension benefit so as to ensure that it enables them to enjoy an adequate standard of living. In this regard, the Committee

refers the State party to its general comment No. 6 (1995), and requests the State party to include in its next periodic report detailed information on the enjoyment of economic, social and cultural rights by older persons.

209. The Committee is alarmed at the very high incidence of violence against women in the State party, despite the implementation of the 2007–2010 National Action Plan to Combat Violence against Women. The Committee is moreover concerned that domestic violence, including physical and psychological violence, is not criminalized in the State party and that the remedies available to victims of domestic violence are ineffective (arts. 10 and 2, para. 2).

As the proposed activities contained in the National Action Plan to Combat Violence against Women address, in principle, existing challenges to the eradication of violence against women in the State party, the Committee calls on the State party to allocate the necessary resources for the implementation of the Plan and to involve civil society in its monitoring.

The Committee also calls on the State party to criminalize domestic violence, strictly enforce the law combating violence against women, increase the number of shelters and monitor the discharge by relevant public officials of their responsibilities when dealing with victims of domestic violence.

210. The Committee is concerned that corporal punishment is not explicitly prohibited in the home and is practiced in schools (arts. 10 and 13).

The Committee urges the State party to adopt specific legislation prohibiting all forms of corporal punishment in the home. It further calls on the State party to raise public awareness against corporal punishment at home or in schools. In this respect, the Committee draws the attention of the State party to its recommendation on discipline in schools as contained in its general comment No. 13 (1999) on the right to education.

211. The Committee is concerned that the legislation of the State party on minimum age of employment and authorized types of work for children does not conform to international standards. Moreover, the Committee expresses concern that the measures undertaken by the State party to combat child labour, which continues to be used in agriculture and the furniture industry, have not been commensurate with the scale of the problem (art. 10).

The Committee calls on the State party to ensure that children are protected from social and economic exploitation, including by bringing its legislation fully into conformity with International Labour Organization (ILO) standards on minimum age of employment and the regulation of employment of children in hazardous conditions, in compliance with ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee also urges the State party to increase the length of compulsory education from 8 to 11 years. In this regard, the Committee refers the State party to its general comments No. 18 (2005) on the right to work and No. 13 (1999) on the right to education.

212. The Committee is deeply concerned at the potential impact of the Ilisu dam under construction and other dams on the enjoyment of economic, social and cultural rights in the areas concerned, especially with regard to forced evictions, resettlements, displacement, and compensation of people affected, as well as at the environmental and cultural impact of the construction of these dams (arts. 11, 12 and 15).

The Committee urges the State party to take account of a human-rights based approach in its infrastructure development projects, especially dams, and to undertake a complete review of its legislation and regulations on evictions, resettlement and compensation of the people affected by these construction projects,

especially the Ilisu dam, in line with the Committee's general comment No. 7 (1997) on forced evictions.

213. The Committee notes with concern that forced evictions have taken place in Istanbul as part of the urban renewal project, without adequate compensation or alternative accommodation to those affected. It is also concerned that, in the case of the Roma community, evictions and displacement have seriously affected the schooling of children. Moreover, the Committee expresses concern that laws applied in urbanization projects, which neglect participation, the respect of property rights and other human rights dimensions, are not compatible with international standards (art. 11).

The Committee urges the State party to review its legal framework regulating urbanization projects to ensure that persons forcibly evicted are provided with adequate compensation and/or relocation, taking into account the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions. The Committee also draws the State party's attention to the basic principles and guidelines on development-based evictions and displacement (A/HRC/4/18, annex I) developed by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.

214. The Committee expresses concern at the acute shortage of housing in the State party, which is currently estimated at three million units. The Committee also regrets the absence of information on homelessness and inadequate housing in the State party (art. 11).

The Committee calls on the State party to step up efforts, including through the adoption of a national housing strategy, to increase the availability of adequate housing, particularly in view of the fact that the number of houses built under the auspices of the Housing Development Administration (TOKI) meets only 5 to 10 per cent of the housing needs. The Committee also calls on the State party to review the 1984 Mass Housing Act to ensure that it provides an adequate framework for realizing the right to adequate housing.

The Committee requests the State party to include in its next periodic report information on homelessness and on adequacy of housing. The Committee also refers the State party to its general comment No. 4 (1991) on the right to adequate housing.

215. The Committee is concerned that the maternal mortality remains high despite the progress achieved, in particular that a large number of women living in rural areas do not have adequate access to sexual and reproductive health care. The Committee is also concerned that available statistics on reproductive health relate only to married women. The Committee furthermore regrets the absence of information on the existence of sexual and reproductive health education in the State party (arts. 12 and 10).

The Committee calls on the State party to ensure the enjoyment of reproductive health rights by everyone without discrimination and to consider amending the 2005–2015 Strategic Plan on Fertility Health to include targeted measures and resources to improve access to and provision of sexual and reproductive health services in rural areas. It also calls on the State party to collect data on the reproductive health of all women and girls, irrespective of their age and marital status, and to include in its next periodic report detailed information on sexual and reproductive health education and services. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

216. While the use of unmodified electroconvulsive treatment (ECT) without anaesthesia and muscle relaxants in mental health facilities has been abandoned and ECT application guidelines have been circulated to medical faculties, the Committee remains concerned that

the State party has not taken measures, legislative or otherwise, to abolish these practices (art. 12).

The Committee calls on the State party to regulate, through the adoption of necessary amendments to existing legislation, the use of electroconvulsive treatment on mental health patients.

217. The Committee regrets that the preparation of the initial report of State party (E/C.12/TUR/1) did not have the benefit of consultations with civil society actors.

The Committee recommends that the State party expand its dialogue and cooperation with civil society organizations working in the area of human rights protection, in particular in the promotion and protection of economic, social and cultural rights. The Committee also encourages the State party to involve civil society organizations in the implementation of the Committee's recommendations and the preparation of the next periodic report.

218. **The Committee urges the State party to provide education on human rights, including economic, social and cultural rights, to students at all levels of education, and human rights training for members of all professions and sectors that have a direct role in the promotion and protection of human rights, including civil servants, teachers, medical professionals, law enforcement officers, the police and the military.**

219. **The Committee requests the State party to include in its next periodic report updated and detailed information on:**

(a) The impact of the implementation of occupational health and safety regulations, as listed in paragraph 154 of the initial report of the State party (E/C.12/TUR/1), including data on non-compliance, reported either through compliance or labour inspections;

(b) The physical accessibility and the affordability of water and sanitation, particularly for disadvantaged and marginalized groups, including statistical data disaggregated by region and urban/rural areas;

(c) The impact of measures taken to combat early and forced marriages;

(d) The magnitude of trafficking in women and children into and from the State party's territory and on the number of prosecutions and convictions, as well as information on the sentences;

(e) The availability and accessibility of substitute-substance treatment for addiction, including on the opening of new treatment centres, as mentioned in paragraph 136 of the replies to the list of issues (E/C.12/TUR/Q/1/Add.1), as well as on the type of treatment authorized by the two circulars on treatment standards;

(f) The availability and affordability of mental health services, including the use of ambulatory services for mental health treatment;

(g) The impact of measures taken to prevent suicide among women.

220. **As the State party continues its efforts in the area of legislative reforms, the Committee encourages it to always take account, in this regard, of its obligations under the Covenant, and to continuously assess the impact of legislative developments on the enjoyment of economic, social and cultural rights.**

221. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant. The Committee also encourages the State party to consider signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.**

222. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

223. **The Committee requests the State party to submit its second periodic report, prepared in accordance with the revised reporting guidelines of the Committee adopted in 2008 (E/C.12/2008/2), by 30 June 2016.**

Yemen

224. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Yemen on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/YEM/2) at its 12th, 13th and 14th meetings, held on 9 and 10 May 2011 (E/C.12/2011/SR.12-14), and adopted, at its 29th meeting, held on 20 May 2011, the following concluding observations.

A. Introduction

225. The Committee welcomes the submission of the second periodic report of Yemen and the written replies to its list of issues. While these submissions provided important information on the steps taken by the State party to comply with its obligations under the Covenant, it notes with regret, however, that the report was not complete in its coverage of all the rights laid down in the Covenant, and that the State party's replies to the list of issues did not provide a systematic response. The Committee emphasizes the importance of the State party submitting in its next periodic report annually collected comparative statistical data on all Covenant rights, disaggregated by sex, age and urban/rural residence, paying particular attention to disadvantaged and marginalized groups of society.

226. The Committee notes with appreciation the high level of the State party delegation, and its constructive engagement with the Committee at a time of political and social conflict in the State party. The Committee notes with deep concern and regret reports that reached it during the dialogue with the State Party about the use of force against protesters, including teachers, claiming the full implementation of their economic, social and cultural rights that led to the loss of lives and a large number of wounded. The Committee urges the State party to seek solutions through dialogue and participation, and to ensure respect for the rights of all protesters to peacefully voice their concerns.

227. The Committee acknowledges the serious resource constraints of the State party, the impact of which is further aggravated by widespread corruption, and, in this light, draws the State party's attention to its general comment No. 3 (1990) on the nature of States parties' obligations. The Committee emphasizes that the State party should ensure the satisfaction of, at the very least, minimum essential levels of each of the rights. The Committee stresses that even where the resources available in the country are demonstrably inadequate, the obligation remains for the State party to strive to ensure the widest possible enjoyment of the relevant rights, including through international cooperation and assistance. In this context, the Committee underscores the importance of prompt and effective implementation and follow-up to its concluding observations as listed below.

B. Positive aspects

228. The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

(a) The adoption in 2008 of the Domestic Violence Act;

(b) The efforts of the State party aiming at immunization and the eradication of endemic and infectious diseases;

(c) The initiatives undertaken by the State Party to improve the access to schools, including by children from disadvantaged and marginalized groups;

(d) The large number of projects to address the shortcomings in the implementation of economic, social and cultural rights, and the development of cooperation in this regard with international and bilateral partners.

C. Principal subjects of concern and recommendations

229. The Committee notes with regret that the State party has not yet established an independent national human rights institution.

The Committee recommends that the State party establish an independent national human rights institution with a mandate that also covers economic, social and cultural rights, and is in compliance with the Paris Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights.

230. The Committee is deeply concerned about the widespread manifestations of discrimination in Yemen against disadvantaged and marginalized individuals and groups, in particular women, which are often of a structural nature.

The Committee recommends that the State party adopt a comprehensive anti-discrimination law addressing all disadvantaged and marginalized sectors of the society. The Committee invites the State party to draw guidance in these endeavours from its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

231. The Committee is concerned that the Al-Akhdam people continue to face social and economic marginalization and discrimination, especially concerning access to employment, conditions of work, the extensive level of child labour, the extremely high levels of school drop-out, and the lack of adequate housing, water and sanitation, as well as electricity (art. 2).

The Committee calls on the State party to combat the social discrimination and marginalization faced by the Al-Akhdam people, including through temporary special measures, in line with the Committee's general comment No. 20 on Non-Discrimination in Economic, Social and Cultural Rights, and to adopt a national action plan for this purpose, drawn up with the participation of Al-Akhdam people and equipped with an effective, participatory and transparent monitoring and implementation mechanism. The Committee also recommends that the planned measures focus on access to employment, adequate conditions of work, enrolment of children in education and prevention of school drop-outs, access to medical care, and reduction of child mortality, as well as access to adequate housing, water, sanitation and electricity.

232. The Committee expresses deep concern about the extremely low level of representation of women in decision-making positions in all spheres, including in parliament, Government, the judiciary, public administration, the Foreign Service and academia (art. 3).

The Committee urges the State party to adopt a comprehensive gender equality act, and introduce temporary special measures, including a quota system, to promote the representation of women in decision-making positions in all spheres.

233. The Committee is deeply concerned that a woman continues to need permission from a male relative in order to seek employment in the public sector (art. 3).

The Committee recommends that the State party take appropriate measures, legislative or otherwise, to abolish the requirement for the permission of a male relative for a woman's employment in the public sector.

234. The Committee is concerned about the high level of unemployment in the State party, in particular among women in rural and remote areas and youth, as well as the discrimination against public sector employees and military personnel from the south of the State party (art. 6).

The Committee recommends that the State party take steps, including in the framework of its newly developed National Employment Strategy, to reduce unemployment, in particular amongst the most disadvantaged and marginalized individuals and groups, including women in rural and remote areas and youth. The Committee also recommends that urgent and effective measures be taken to eliminate discrimination against persons from the south of Yemen within the public sector.

235. The Committee is deeply concerned about continued discrimination and marginalization of persons with disabilities, in particular regarding the access of women and girls with disabilities to employment (art. 6).

The Committee recommends that the State party take steps to eliminate discrimination and stigma attached to disabilities in all spheres of life. Urgent measures are recommended to counter the discrimination against women and girls with disabilities in accessing employment. The Committee recommends that the State party ensure that an appropriate percentage of Government jobs is made available to persons with disabilities.

236. The Committee notes with particular concern that the State party has not yet established a national minimum wage.

The Committee recommends that the State party establish a national minimum wage, subject to regular adjustments based on a system of indexation, with a view to guaranteeing a decent living for the affected employees and their families.

237. The Committee also expresses its concern about the significant wage disparities, in particular negatively affecting women (art. 7).

The Committee recommends that the State party ensure equal remuneration for men and women for work of equal value, including through expressly providing relevant guarantees in the Labour Code.

238. The Committee expresses its concern that autonomous trade unions cannot be established outside the General Federation of Trade Unions of Yemen and that the holding of a strike by local-level unions requires prior authorization by the General Federation. The Committee also expresses its concern about reports of retaliatory action by private-sector employers against trade union members, as well as the general failure of the majority of employers to register their employees (art. 8).

The Committee recommends that the State party amend the Trade Unions Act of 2002 in order to allow for the establishment of autonomous trade unions and their federations and to allow local-level trade unions to call a strike without authorization from the higher-level trade union bodies. The Committee furthermore recommends

that the State party strengthen its efforts to prevent retaliatory action, such as transfers, demotions and dismissals, by private-sector employers against union members. The Committee also recommends that the State party ensure that all employers register their employees, to ensure compliance with social security and labour union regulations.

239. The Committee notes with concern that the Social Welfare Fund benefit levels, in particular pension levels, are not sufficient to ensure an adequate standard of living for recipients and their families. The Committee is also concerned about the reported misappropriation of social insurance benefits by State officials or tribal leaders (art. 9).

The Committee recommends that the State party strengthen efforts and use available resources to increase the budgetary allocations for the social security system, including social assistance benefits, with a view to ensuring an adequate standard of living for the recipients. The Committee also recommends that the State party step up its efforts to combat corruption and misappropriation of State funds in the area of social security, including social insurance benefits, and prosecute those responsible.

240. The Committee continues to be concerned about the prevalence of domestic violence, including sexual harassment of women and children in the State party, and about the reported difficulties for victims in filing complaints and seeking redress following such abuse (art. 10).

The Committee recommends that the State party immediately promulgate the Domestic Violence Act No. 6 of 2008 and thereby criminalize domestic violence and marital rape, prosecute offenders and provide protection for victims of domestic violence, including through expanding the number, coverage and capacity of shelters. The Committee also recommends that the State party make intensive efforts to raise awareness among police officers, prosecutors, judges, social workers and the general public of domestic violence. The Committee further recommends that the State party strengthen its research and data collection capacity on domestic violence and provide detailed information on this in its next periodic report, together with information on the number of complaints filed by victims, remedies granted, and prosecutions and sentences imposed on perpetrators.

241. The Committee remains concerned about the persistent inequality of women in matrimonial and family matters in law and in practice, including forced marriages, severe discrimination against women demanding divorce and the inferior position of women in relation to the inheritance of conjugal property.

The Committee urges the State party, as a matter of priority, to amend its matrimonial and family law with a view to eliminating discrimination against women in marital matters and ensuring its consistency with the relevant human rights standards under the Covenant and other international instruments. In particular, it is recommended that urgent steps be taken with a view to (a) ensuring that all marriages are registered in line with article 14 of the Personal Status Code, (b) prohibiting forced marriages, (c) guaranteeing the right of women to enter into marriage without the consent of a guardian; (d) ensuring equal rights of women in divorce proceedings, (e) guaranteeing equal rights of women under the inheritance law.

242. The Committee is deeply concerned that the amendment to the Personal Status Act No. 20 of 1992 by Law No. 24 of 1999, legalizing marriage for girls under 15 years of age with the consent of their guardians, remains in force and that in October 2010 the Parliamentary Sharia Committee prevented the entry into force of an amending act aimed at establishing a minimum age of marriage. The Committee is also concerned about the growing number of victims of child marriages (art. 10).

The Committee recommends that the State party: (a) adopt and implement the Law on the minimum age of marriage and set it at 18 years of age in accordance with recommendations by relevant international bodies; (b) ensure access to effective remedies and other forms of necessary protection to victims of child marriages; and (c) undertake to raise awareness of the negative effects of child marriages.

243. The Committee expresses its deep concern about the continued harmful practice of female genital mutilation in the State party, especially in the coastal and rural areas (art. 10).

The Committee recommends that the State party urgently adopt legislation criminalizing female genital mutilation and ensure the prosecution and adequate punishment of those performing it or imposing it on girls or women. It also recommends that the State party strengthen its awareness-raising and education efforts with the aim of completely eliminating this practice and countering its underlying arguments.

244. The Committee notes with concern that corporal punishment of children may be applied as a penalty in criminal proceedings, and that it is lawful and widely used in the home and alternative care settings as a disciplinary method (art. 10).

The Committee recommends that the State party urgently adopt legislation explicitly prohibiting corporal punishment of children in all settings, including as a penalty in criminal proceedings, as well as at home and in alternative care settings.

245. The Committee is concerned about the lack of effective implementation and enforcement of the legal prohibition of child labour, leading to the exploitation of children on a large scale (art. 10).

The Committee recommends that the State party undertake effective measures to enforce the prohibition of child labour, including through sufficiently resourcing the Child Labour Unit at the Ministry of Social Affairs and Labour. The Committee also recommends that the State party more effectively monitor instances of child labour in order to ensure its gradual eradication, especially in the context of hazardous work, in accordance with International Labour Organization Convention No. 182 (1999) concerning the worst forms of child labour.

246. The Committee expresses its deep concern about the large-scale trafficking in women and children, including to neighbouring countries, for sexual and other exploitative purposes. It is also concerned about the low rate of prosecutions against perpetrators of women and child trafficking (art. 10).

The Committee recommends that the State party strengthen its efforts to prevent and combat trafficking in women and children, including in the framework of the implementation of the revised and developed National Plan to Combat Child Trafficking. In particular, the Committee recommends that the State Party promptly adopt the proposed amendments to the Code of Offences and Penalties, and swiftly prosecute perpetrators of the crime of trafficking. The Committee also recommends that the State party further strengthen its system for the rehabilitation and reintegration of victims of trafficking, including rehabilitation of victims of sexual exploitation.

247. The Committee is concerned about the very high level of poverty prevailing in the State party, in particular in the Amran, Shabwah and Al-Bayda governorates (art. 11).

The Committee recommends that the State party strengthen its efforts to combat poverty, paying special attention to the most disadvantaged and marginalized individuals and groups, including children and people living in rural areas. To that

end, the Committee recommends that the State party adopt a new national development and poverty reduction plan, supported by an effective, participatory and transparent monitoring and implementation mechanism. The Committee draws the attention of the State party to its Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights.

248. The Committee is concerned about the extent of malnutrition in the State party, the high rates of wasting, underweight and stunting, as well as rising household food insecurity, especially in rural areas. The Committee expresses its deep concern that this situation has been aggravated by the rise in food prices. The Committee is also concerned that a disproportionate portion of agricultural land is allocated to the cultivation of *qat* (art. 11).

The Committee recommends that the State party adopt effective and urgent measures to combat hunger and malnutrition, especially child malnutrition, and take urgent measures to offset the negative impact of rising food prices on family budgets, especially in the case of disadvantaged and marginalized individuals and families. The Committee invites the State party to draw guidance in these endeavours from its general comment No. 12 (1999) on the right to adequate food.

249. The Committee is concerned about the increasing lack of water, insufficient and unequal access to water, and the shortage of safe drinking water in the State party, in particular in rural and remote areas. The Committee is also concerned about the depletion of non-renewable groundwater reserves. In addition it is concerned that the public sanitation network is confined only to urban centres and notes with concern the high prevalence of waterborne diseases and subsequent child deaths (art. 11).

The Committee recommends that the State party increase its efforts to ensure universal access to adequate water and sanitation facilities, including in rural and remote areas. It also recommends that the State party strengthen its efforts, including through international cooperation, to address the shortage of water resources, improve water management, in particular in the agricultural sector, and rationalize the use of non-renewable groundwater reserves. The Committee draws the State party's attention to its general comment No. 15 (2002) on the right to water, as well as the Committee's statement on the right to sanitation (2010).

250. The Committee is concerned about the limited access to basic health-care services and related family planning services, especially in rural and remote areas. The Committee is also concerned about the very high maternal and child mortality rates in the State party, which is related to the fact that only 36 per cent of all deliveries are attended by skilled medical personnel (art. 12).

The Committee recommends that the State party take all necessary measures, including through its National Health Strategy 2010–2015, to: (a) ensure universal access to affordable primary health care and specialized reproductive health services; (b) increase skilled birth attendance, and antenatal and post-natal care, especially in rural and remote areas; and (c) increase the representation of women among health-care personnel, especially in the field of nursing.

251. The Committee notes with concern that despite some improvements enrolment rates in basic and secondary education remain very low, particularly in the case of girls. It is also concerned about the increasing drop-out rates and decreasing attendance and completion rates in primary and secondary education (arts. 13 and 14).

The Committee recommends that the State party take urgent steps to address the low enrolment rates in basic and secondary education, address gender disparities, and take all appropriate measures in order to address problems relating to high drop-out rates in the school system. The Committee recommends that such steps include

ensuring respect for compulsory attendance, addressing the gender imbalance in teaching personnel, especially in rural areas, provision of sufficient financial support, and addressing parental attitudes and traditional household labour practices.

252. The Committee is deeply concerned about the continued discrimination against persons with disabilities, in particular women and girls with disabilities, regarding their access to education (arts. 13 and 14).

The Committee recommends that the State party take urgent measures to ensure the implementation of inclusive education of children with disabilities, including through (a) compulsory training of all teachers (beyond special education teachers); (b) individual education plans for all students; (c) availability of assistive devices and support in classrooms, and educational materials and curricula; (d) barrier-free physical access to schools and their facilities; (e) teaching of sign language; (f) allocation of sufficient financial resources; and (g) enforcement of the legally established exemption from payment of university tuition fees for persons with disabilities.

253. The Committee expresses its concern about the continued high rate of illiteracy in the State party, especially among women and girls in rural areas (arts. 13 and 14).

The Committee recommends that the State party continue its efforts to eradicate illiteracy and alleviate its causes, including through effective implementation, monitoring, assessment, and funding of its Illiteracy Eradication and Adult Education Strategy, and provide information on the results achieved year by year in its next periodic report.

254. The Committee is deeply concerned about the insufficient attention by the State party to its obligation under the Covenant concerning cultural rights, as revealed by the total absence of information within the periodic report, as well as by the lack of answers to the list of issues related to article 15 of the Covenant (art. 15).

The Committee requests the State party to provide in its next periodic report detailed information on concrete measures taken to guarantee the enjoyment of the rights recognized in article 15 of the Covenant, in particular by minorities and other disadvantaged and marginalized individuals and groups. The Committee recommends that the State party collect disaggregated data on the ethnic composition of the society, as well as on disadvantaged and marginalized individuals and groups, in order to enable it to adopt concrete and targeted measures to fully implement article 15 of the Covenant.

255. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.**

256. **The Committee encourages the State Party to submit an updated version of its common core document, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).**

257. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

258. The Committee requests the State party to submit its third periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 June 2013.

Forty-seventh session

Argentina

259. The Committee on Economic, Social and Cultural Rights considered the third periodic report of the State party on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ARG/3) at its 44th to 46th meetings, held on 23 and 24 November 2011 (E/C.12/2011/SR.44-46), and adopted, at its 59th meeting, held on 2 December 2011, the following concluding observations.

A. Introduction

260. The Committee welcomes the submission of the third report of the State party but regrets, however, that it was submitted with a delay of eight years. It also acknowledges the submission of the comprehensive written replies to the list of issues (E/C.12/ARG/Q/3/Add.1) on 14 November 2011, although their late submission made their translation into the working languages of the Committee impossible before the dialogue with the State party.

261. The Committee appreciates the constructive dialogue held with the State party, which was represented by a high-level delegation that included representatives from relevant ministries.

B. Positive aspects

262. The Committee welcomes the ratification by the State party of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 24 October 2011.

263. The Committee notes with appreciation the legislative and other measures undertaken by the State party to implement economic, social and cultural rights, and in particular:

(a) The inclusion for the first time in 2010 of a question based on self-identification of Argentines of African descent in the National Census;

(b) The Migration Act (No. 25871 of 2004) which, inter alia, protects the right of all migrants, including those in an irregular situation, to free access to education and health services (arts. 7 and 8);

(c) The National Mental Health Act (No. 26657 of 2010) promoting community-based health services and guaranteeing an interdisciplinary approach;

(d) The Equal Marriage Act (No. 26618 of 2010) which, inter alia, provides same-sex couples the same marital rights as heterosexuals;

(e) The Act on the protection of glaciers (No. 26639 of 2010) safeguarding the glaciers and periglacial areas of the State party;

(f) The National Education Act (No. 26075 of 2006) which, inter alia, allocates 6 per cent of the gross domestic product for education purposes.

C. Principal subjects of concern and recommendations

264. The Committee notes the absence of specific information concerning the domestic case law applying the Covenant rights while also noting that the Constitution of the State

party grants constitutional rank to the Covenant and ensures its prevalence over ordinary statutes in the case of their inconsistency with the Covenant.

The Committee requests the State party to provide in its next periodic report comprehensive information about the application of the Covenant rights by the judiciary. In this context, the Committee draws the attention of the State party to general comment No. 9 (1998) on the domestic application of the Covenant.

265. **The Committee recommends that the State party consider amending the appointment procedures of the Defensor del Pueblo to make it possible to fill the post now and to avoid deadlocks in the future.**

266. The Committee notes with concern that Act No. 26160 (extended by Act No. 26554), regarding the possession and ownership of lands traditionally occupied by indigenous peoples, has not been fully implemented. It is also concerned about delays in providing indigenous communities with ownership titles to such lands or territories (arts. 1, 11, 12 and 15).

The Committee urges the State party to ensure the full and coordinated implementation of Act No. 26160/26554 both at the federal and provincial levels. The Committee recommends that the State party finalize the processes of demarcation in all provinces, as foreseen by the Constitution and existing laws, and that it expedite the granting of communal title of land to indigenous communities.

267. The Committee is concerned about the persisting threats, displacements and violent evictions of indigenous peoples from their traditional lands in numerous provinces. The Committee also regrets the shortcomings in consultation processes with affected indigenous communities, which in some cases have led to the exploitation of natural resources in the territories traditionally occupied or used by them without their free, prior and informed consent and without just and fair compensation being paid to them, in violation of the Constitution (art. 75) and International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee is particularly concerned by the negative consequences of lithium exploitation in Salinas Grandes (Salta and Jujuy provinces) on the environment, access to water, way of life and subsistence of indigenous communities (arts. 1, 11 and 12).

The Committee recommends that the State party undertake the necessary measures to stop violations of the rights of indigenous peoples and that it hold accountable those responsible for such unlawful acts. It urges the State party to always enter into effective consultations with indigenous communities before granting concessions for the economic exploitation of the lands and territories traditionally occupied or used by them to State-owned companies or third parties, fulfilling the obligation to obtain the free, prior and informed consent of those who are affected by the aforementioned economic activities. The Committee also recommends that the State party guarantee that in no case will such exploitation violate the rights recognized in the Covenant and that just and fair compensation is granted to indigenous communities. The Committee also calls upon the State party to ensure the protection of indigenous communities during the implementation of mining exploration and exploitation projects. With regard to Salinas Grandes, the Committee urges the State party to comply with the decision of the Supreme Court, once it is available.[10] The Committee recalls in this

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[10] File No. 1196/2010: *Indigenous Community of Three Wells Sanctuary and others vs. Jujuy, Province of and others*, on appeal to the Supreme Court since it has original jurisdiction in the matter, Supreme Court of Justice of the Nation.

context its statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1).

268. The Committee is concerned about cases in which the increased use of chemical pesticides and transgenic soya seeds in regions traditionally inhabited or used by indigenous communities have negatively affected these communities. It worries the Committee that these communities find it increasingly difficult to apply their traditional farming methods, and that as a consequence, this may become an important obstacle to the access to safe, adequate and affordable food. The Committee also notes with concern the scale of deforestation, which has forced indigenous peoples to leave territories traditionally occupied or used by them, and in spite of Act No. 2633 on forest protection. The Committee is further concerned about the fact that the aforementioned activities are often carried out without an effective prior consultation with the affected groups of the population (arts. 1, 11, 12 and 15).

The Committee urges the State party to ensure that the means of subsistence of indigenous communities and their enjoyment of economic, social and cultural rights are effectively protected, and to develop institutional and procedural guarantees to ensure the effective participation of indigenous communities in decision-making on issues that affect them. The Committee also recommends that the State party ensure the full implementation of Act No. 2633 and other legislation regarding the protection of the non-renewable resources of the State party with a view to combating deforestation.

269. The Committee is concerned that, since 2007, the introduction of different statistical methods within the national statistical system (INDEC), which are not always publicly available, pose difficulties for the correct interpretation of data and the comparison of progress in and challenges to the enjoyment of the Covenant rights by all. It also notes with concern the data and calculation discrepancies between certain provincial and national official statistics as well as doubts raised by national and international civic, research and financial institutions with regard to the credibility of data produced by INDEC (art. 2).

The Committee underlines the importance of the availability of reliable and comprehensive data for the development of public policies and their implementation. It recommends that the State party take the necessary steps to make its official statistics comparable with data produced by relevant international institutions. It also recommends that the State party ensure that methodologies used and data gathered by INDEC in the course of its surveys are accessible to external users and adequately disseminated.

270. The Committee is concerned that the data provided for the Covenant rights was not presented on a comparative basis, disaggregated on an annual basis, as requested in the previous concluding observations of the Committee.

The State party is requested to supply, in its next periodic report, disaggregated data for each of the Covenant rights, on an annual basis, taking into account the prohibited grounds of discrimination.

271. The Committee is concerned about instances in which security forces and agents, both public and private, resorted to reprisals and disproportionate use of force against persons participating in activities in defence of economic, social and cultural rights, in particular in the context of land disputes.

The Committee urges the State party to protect social activists and human rights defenders against any form of intimidation, threat and, especially, disproportionate use of force perpetrated by security forces and agents, both public and private. It also calls on the State party to ensure that all allegations of reprisals and abuse are

promptly and thoroughly investigated, and that the perpetrators are brought to justice.

272. The Committee reiterates its concern about continuing inequalities in the enjoyment of economic, social and cultural rights between men and women, in particular in the area of employment (E/C.12/1/Add.38, para. 17) (arts. 3 and 10).

The Committee urges the State party to strengthen legislative and other measures to effectively strive for the equal rights of men and women in practice, and to combat all forms of discrimination against women. In this regard, the Committee recalls its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights. The Committee reiterates its previous recommendation that the State party strengthen its efforts to promote gender equality in all spheres of life. With regard to employment, the Committee encourages the State party to consider legal options, capacity-building and services that would enable men and women to reconcile professional and family responsibilities. It also calls upon the State party to promote the employment of women in the formal sector of economy.

273. The Committee notes with concern the large number of workers in the informal economy in the State party and regrets that a significant percentage of them, including migrant workers, lack access to the social security system, in particular pension schemes. The Committee also expresses concern about discrimination with regard to conditions of work and minimum wages experienced in particular by outsourced (*tercerizados*) or temporary workers, and women in domestic work, the textile industry and the agricultural sector (arts. 6 and 7).

The Committee urges the State party to continue its efforts to reduce the informal sector of the economy with a view to promoting employment in the formal sector and, in this way, ensure the full enjoyment of economic and social rights by all workers. It recommends that the State party extend the applicability of the minimum wage legislation to those sectors where it still does not apply. The Committee recommends that measures be taken to ensure the full legal protection of workers irrespective of their sector of employment. It also encourages the State party to consider modifying the residency requirements established for migrant workers in line with the National Constitution and the Migration Act to ensure their access to non-contributory social benefit schemes.

274. The Committee is concerned that neither the penal legislation nor the labour legislation of the State party specifically prohibit sexual harassment in the workplace and that it is not specifically recognized as a crime (art. 7 (b)).

The Committee strongly calls upon the State party to approve and apply legislative measures that specifically prohibit sexual harassment in the workplace, as well as to make it punishable under penal and labour laws. It recommends that the State party undertake to raise public awareness against sexual harassment and provide comprehensive protection to victims.

275. The Committee is concerned about human trafficking in the State party and regrets the inadequacy of Act No. 26364 on the matter. It is also concerned by the insufficiency of measures for the rehabilitation of victims of trafficking and exploitation (art. 10, para. 3).

The Committee recommends that the State party accelerate the process of revising its legislation on combating human trafficking to international standards. It also recommends that the State party increase the resource allocations for the prevention of human trafficking, the prosecution and conviction of perpetrators, and the provision of support to victims, as well as for enhancing coordination among all levels in this respect.

276. The Committee reiterates its concern about incidents of violence against women in the State party, in particular domestic violence (E/C.12/1/Add.38, para. 25). The Committee is also concerned by the insufficient coordination among the different levels of governance, which constitutes an important obstacle to effectively addressing violence against women (arts. 3 and 10).

The Committee recommends that the State party continue to increase public awareness of the criminal nature of domestic violence and bring perpetrators to justice. It also recommends that the State party strengthen legal counselling programmes, and increase the availability of shelters and psychosocial support services for victims. The Committee further calls on the State party to ensure adequate funding of the National Council of Women (Consejo Nacional de las Mujeres) in order to enable it to achieve its objectives.

277. The Committee regrets that irregularities in the implementation of the Union Act (No. 23551) pose impediments to the exercise of labour and trade union rights, in conflict with the National Constitution and ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise. These include difficulties and delays in the registration process of trade unions by the Ministry of Labour, the dismissal of workers who engage in protests, and acts of violence against trade union leaders and members (art. 8).

The Committee recommends that the State party consider adopting the necessary reforms of the Union Act with a view to recognizing the basic collective rights of all categories of workers and labour unions and ensuring the full conformity of the national legislation with the international obligations of Argentina. In this regard, it also recommends that the State party make the relevant Supreme Court rulings mutatis mutandis applicable to all workers and unions. It urges the State party to ensure that trade union registration is performed in accordance with article 8 of the Covenant and in a timely manner. The Committee also reminds the State party that reprisals such as the loss of employment for the participation in protests and strikes carried out in conformity with law must be prohibited and that redress must be granted to the victims of abuse.

278. The Committee is concerned that requirements to receive the universal allowance for children (Asignación Universal por Hijo), which is granted by law, in practice exclude certain groups such as migrants and their children from receiving this benefit.

The Committee calls upon the State party to consider adopting all the necessary measures to ensure the unrestricted coverage of the universal allowance for children, in particular those from marginalized and disadvantaged groups, such as children of migrant workers in an irregular situation and children of persons deprived of their liberty.

279. The Committee reiterates its concern about the continuing housing deficit in the State party (E/C.12/1/Add.38 para. 20), resulting from the gap between the needs of large parts of the society and the offer of adequate and affordable accommodation. The absence of reliable official analytical data in this respect constitutes an important obstacle to addressing this problem in an effective way. The Committee is concerned that speculation with land, real estate, and construction has created difficulties in the access to housing for middle- and low-income populations. It also reiterates its concern over forced evictions of disadvantaged and marginalized individuals and groups in contravention of the State party's obligations under the Covenant, which affect in particular migrants and indigenous peoples (art. 11, para. 1).

The Committee urges the State party to adopt housing policies with a view to ensuring access to adequate and affordable housing with legal security of tenure for everyone.

It calls upon the State party to effectively counter speculation in the land, real estate, and construction markets, in the light of the Committee's general comment No. 4 (1991) on the right to adequate housing. The Committee also urges the State party to take specific measures, legislation or otherwise, to ensure that persons who are forcibly evicted are provided with alternative accommodation or just and fair compensation in line with the Committee's general comment No. 7 (1997) on forced evictions.

280. The Committee reiterates its concern about the inadequate reproductive health-care services for girls and women in the State party, the shortcomings of which result in the high maternal mortality rate and the overall high rates of teenage pregnancies (E/C.12/1/Add.8, para. 24). It notes in particular significant provincial disparities. It also notes with concern that unsafe abortions remain a main cause of maternal mortality (arts. 10 and 12).

The Committee urges the State party to ensure the implementation of the law on sexual and reproductive health in all provinces and guarantee affordable access for everyone, especially adolescents, to comprehensive sexual and reproductive health education and services, with a view to, inter alia, addressing the high maternal mortality rate. The Committee recommends that the State party carry out programmes to raise public awareness on sexual and reproductive health. It also recommends that the State party take the necessary measures to guarantee access to legal abortions to decrease avoidable maternal deaths and that it guarantee access to health facilities, supplies and services to diminish pre- and post-abortion risks.

281. The Committee is concerned about the high level of tobacco consumption in the State party, especially among women and youth (art. 12, para. 1).

The Committee recommends that the State party ratify and implement the WHO Framework Convention on Tobacco Control and develop effective public awareness and tax and pricing policies to reduce tobacco consumption, in particular targeting women and youth.

282. The Committee is concerned that despite the efforts by the State party to ensure universal access to education there are still incidences of children remaining outside of the education system, illiteracy, course repetition and school dropout, especially among disadvantaged and marginalized indigenous communities. It also notes with regret that indigenous communities do not always enjoy the right to intercultural bilingual education (art. 13).

The Committee recommends that the State party effectively implement existing legislation to guarantee the right to education and to address, in particular, the problems of children remaining outside the education system, illiteracy, course repetition and school dropout. The Committee urges the State party to continue its efforts to remove disparities between different societal groups and promote the educational advancement of those disadvantaged and marginalized groups and provinces. It also recommends that the State party undertake effective steps to guarantee the access to intercultural education of indigenous peoples and to ensure that it is adapted to their specific needs.

283. The Committee regrets the insufficient information from the State party regarding the protection of the collective rights of indigenous peoples related to their traditional knowledge and cultural heritage in the State party, including ancestral lands, as an integral part of their cultural identity (art. 15).

The Committee recommends that the State party provide, in its next periodic report, comprehensive information about specific and effective measures, including legislation, to acknowledge and protect the traditional knowledge and cultural

heritage of indigenous peoples, including their ancestral lands, in line with the Committee's general comments No. 17 (2005) on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author and No. 21 (2009) on the right of everyone to take part in cultural life.

284. **The Committee encourages the State party to provide additional and more detailed information in its next periodic report with respect to the measures in place to ensure the right of everyone to benefit from scientific progress and its practical application, in line with article 15, paragraph 1 (b), of the Covenant.**

285. **The Committee requests the State party to disseminate the present concluding observations widely among all sectors of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible, and to inform the Committee on the steps taken to implement them in its next periodic report or earlier, as appropriate. It also encourages the State party to continue to engage national human rights institutions, non-governmental organizations and other members of civil society in the process of designing plans for the implementation of the present concluding observations and in discussions at the national level prior to the submission of its next periodic report.**

286. **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 2 December 2016.**

Cameroon

287. The Committee on Economic, Social and Cultural Rights considered the second and third periodic reports of Cameroon on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CMR/2-3) at its 41st to 43rd meetings (E/C.12/2011/SR.41-43), held on 21 and 22 November 2011. At its 59th meeting, held on 2 December 2011, the Committee adopted the following concluding observations.

A. Introduction

288. The Committee welcomes the submission of the second and third periodic reports of Cameroon, which are generally in line with the Committee's guidelines and which describe the measures taken to implement the recommendations made by the Committee in its previous concluding observations. The Committee notes, however, that the report was submitted seven years late.

289. The Committee also notes with satisfaction the State party's written replies to the list of issues (E/C.12/CMR/Q/2-3/Add.1) and its oral replies to questions raised during the dialogue, although it finds that the replies were often too general.

B. Positive aspects

290. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

291. The Committee notes with satisfaction the efforts by the State party to promote the implementation of economic, social and cultural rights, including:

(a) Its efforts to reach completion point under the Heavily Indebted Poor Countries Initiative, which enabled it to ease debt and thereby release additional resources to priority areas in the health sector;

(b) The introduction of free primary education under the Finance Act (No. 2000/08) of 30 June 2000;

(c) The adoption of Act No. 2010/002 of 13 April 2010 on the protection and advancement of persons with disabilities;

(d) The opening of 60 units for treating HIV/AIDS in public health centres and the increase in the number of screening and treatment centres for tuberculosis;

(e) The development of health service infrastructure, including the construction of basic health-care centres and the renovation of other health facilities;

(f) Ratification of the World Health Organization Framework Convention on Tobacco Control;

(g) The adoption of Act No. 2009/004 of 14 April 2009 on legal aid.

292. The Committee welcomes the adoption of Act No. 2010/004 of 13 April 2010, amending and supplementing Act No. 2004/016 of 22 July 2004 on the establishment, organization and functioning of the National Commission on Human Rights and Freedoms, which improves the degree of compliance by the State party with the Paris Principles, notably by giving the Government's representatives a consultative role rather than voting powers.

C. Principal subjects of concern and recommendations

293. The Committee is concerned that the Covenant has never been invoked in court decisions, even though it takes precedence over domestic law.

The Committee recommends that the State party take appropriate steps to give effect to the Covenant in the domestic legal system and that it adopt implementing legislation, if necessary. The Committee also recommends that the State party take steps to raise awareness among members of the judiciary and the general public of the Covenant and the justiciability of economic, social and cultural rights. The Committee requests that the State party include information in its next periodic report on decisions by courts and administrative authorities that give effect to the rights set forth in the Covenant. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

294. The Committee notes with concern that corruption continues to be widespread in the State party in spite of awareness campaigns conducted on its effects and the prosecution of individuals involved in corruption cases.

The Committee recommends that the State party take effective measures to combat corruption.

The Committee, while taking note of the activities conducted by the National Commission on Human Rights and Freedoms, which has A status, to promote economic, social and cultural rights, recommends that the State party ensure that the Commission is adequately staffed and funded.

295. The Committee regrets that the State party, in its oral replies, provided insufficient information on the legal framework for protection against discrimination (art. 2, para. 2).

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation listing all prohibited grounds for discrimination, as set out in article 2, paragraph 2, of the Covenant.

296. The Committee remains concerned that, in spite of projects carried out for indigenous peoples, as described in paragraph 194 of the State party's report, some groups do not have the same economic, social and cultural rights as the rest of the population. The

Committee also regrets the lack of a comprehensive policy on indigenous peoples (art. 2, para. 2).

The Committee urges the State party to adopt a consistent and comprehensive policy to promote the right of indigenous peoples to an adequate standard of living. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Furthermore, the Committee urges the State party to guarantee the economic, social and cultural rights of indigenous peoples when major projects outlined in the growth and employment strategy paper are launched. It therefore also recommends that the State party raise the awareness of indigenous people to their right to be involved in decision-making that affects them throughout the various phases of those projects.

297. The Committee is concerned about the apparent difficulties confronting disabled persons in education and on the labour market, given that, in spite of legislative and institutional measures adopted by the State party, only 52 out of 25,000 people recently hired by the civil service have disabilities. In addition, while taking note of inter-ministerial decisions designed to facilitate access by such persons to education, the Committee regrets that it has received no specific information about how access by the disabled to education and employment is realized in practice, or on the measures taken or planned on the basis of those decisions to facilitate their access to and use of public or private buildings and institutions, as provided for in the Act on the Protection and Advancement of Persons with Disabilities (art. 2, para. 2).

The Committee recommends that the State party take concrete and effective measures and allocate the resources needed in order to implement the Act on the Protection and Advancement of Persons with Disabilities. In addition, the Committee recommends that the State party promote the inclusion of disabled persons in education and the labour market, in particular by introducing a quota system. It further recommends that the State party ensure that the denial of reasonable accommodation is regarded as a form of discrimination under the law and as a matter of policy. The Committee also requests that the State party provide disaggregated comparative data in its next periodic report on the impact of the measures taken and draws the State party's attention to its general comment No. 5 (1994) on persons with disabilities.

298. The Committee again expresses concern that legislative provisions discriminating against women, the repeal of which it recommended in its previous concluding observations, are still in force in the State party (art. 3).

The Committee urges the State party to ensure that the relevant provisions of the Family Code, the Labour Code and the Criminal Code are amended as quickly as possible and that any provisions discriminating against women are dropped from bills currently under consideration. It recommends that these new laws should be couched in terms that enable the State party to meet its obligation to ensure gender parity in the exercise of economic, social and cultural rights, in accordance with article 3 of the Covenant. In this regard, the Committee draws the attention of the State party to its general comment No. 16 (2005).

299. The Committee regrets that current legislation in the State party combines prison sentences with forced labour, even for prisoners jailed for their opinions. It is especially concerned that, under the law, private bodies may hire detainees without the latter's consent (art. 6).

The Committee urges the State party to abolish the penalty of forced labour and to bring its legislation into line with article 6 of the Covenant. It also recommends that the State party take legislative and other measures to ensure that prisoners work only

if they consent to do so. The Committee requests that the State party provide information in its next periodic report on the conditions in which detainees work.

300. The Committee remains concerned about the high rates of unemployment and underemployment, which have worsened since the onset of the economic crisis in the State party, especially among young people and women. The Committee also notes with concern that the great majority of young people work in the informal economy (art. 6).

The Committee, while taking note of the major projects planned for 2012 that the State party maintains should boost employment, recommends that it:

(a) Include in its employment policy measures to overcome obstacles preventing young people and women from entering the formal labour market;

(b) Develop professional training that meets the needs of the labour market;

(c) Ensure that activities of the National Employment Fund, such as support for setting up microbusinesses and vocational training, help to create jobs in the formal economy;

(d) Provide the National Employment Fund and the National Monitoring Service for Employment and Vocational Training with the resources they require to function properly.

The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

301. The Committee remains concerned that the guaranteed minimum wage, which was set after tripartite negotiations, does not provide a decent living for workers and their families (art. 7).

The Committee recommends that the State party ensure that the guaranteed minimum wage is sufficient to provide workers and their families with a decent living, as set forth under article 7 of the Covenant. In this regard, the Committee recommends that the State party ensure that the mechanism for setting and reviewing the minimum wage takes into account the minimum requirements for subsistence and the cost-of-living index.

302. The Committee reiterates its concern about insecure working conditions on plantations, where oversight is lacking, particularly because of subcontracting. The widespread use of subcontracted labour by plantation owners forces some workers and their families to become contractors (art. 7).

The Committee reiterates its earlier recommendation calling on the State party to take concrete and effective steps to enforce basic labour standards on plantations. In particular, the Committee urges the State party to ensure that the regulatory framework for subcontracting adequately protects workers' rights in the specific case of the plantations.

303. The Committee considers reported violations of trade union rights, including the arrest or dismissal of trade union leaders and members, and interference by the State party in the running of trade unions to be a source of concern. The State party reportedly views some unions favourably while refusing to recognize others, in particular the public-sector trade union federation (art. 8).

The Committee recommends that the State party respect the right of everyone to form trade unions and to take part in trade-union activities, in accordance with article 8 of the Covenant. The Committee also recommends that the State party guarantee equal treatment of trade unions in practice.

304. The Committee notes with concern that the State party's social security system is based only on activity in the formal economy, thus excluding the great majority of the population: the unemployed and those working in the informal economy (art. 9).

The Committee urges the State party to continue modernizing its social security system in order to guarantee this right to everyone. The Committee also recommends that the State party ensure that the system provides the broadest possible protection. It further recommends the gradual introduction of non-contributory schemes to cover persons unable to pay premiums. In this regard, the Committee draws the State party's attention to its general comment No. 19 (2007) on the right to social security.

305. The Committee notes with concern that the minimum age for working in the State party is 14 years. It is equally concerned that children under the age of 15 years work in plantations and in private households. The Committee also has doubts about the effectiveness of measures taken by the State party to combat child labour, given the low number of children in the care of public institutions (art. 10).

The Committee urges the State party to bring its legislation into line with international child labour standards, in particular with regard to the minimum age and the various categories of hazardous work.

In addition, the Committee strongly recommends that the State party take all the necessary measures, including more frequent visits by labour inspectors, to enforce legislation prohibiting child labour and to ensure that people who employ illegal child labour are prosecuted. The Committee requests that the State party include information in its next periodic report on prosecutions and convictions in this regard.

306. The Committee notes with concern that acts of violence against women and girls, domestic violence, female genital mutilation and even sexual harassment are still not explicitly prohibited by the law of the State party, in spite of the Committee's previous recommendations. The Committee also notes with concern the absence of penalties under the State party's law for acts such as marital rape and breast-ironing. Furthermore, the Committee regrets the lack of reliable information on how widespread such practices are in the State party (art. 10).

The Committee strongly recommends that the State party expedite the review and adoption of laws designed to strengthen the legal framework to combat violence against women and girls and to ensure that domestic violence, female genital mutilation and sexual harassment, along with breast-ironing and marital rape, are made punishable under the Criminal Code and that perpetrators are prosecuted. The Committee also recommends that national awareness-raising campaigns be conducted to combat all forms of violence against women and girls. The Committee requests that the State party include information in its next report on how widespread the various forms of violence against women and girls are, together with statistics on prosecutions and convictions.

307. The Committee remains concerned that, despite the State party's efforts, which have helped to reduce urban poverty, the problem of poverty has worsened in rural areas and in Adamaoua, East, North and Far North provinces (art. 11).

The Committee recommends that the State party intensify its efforts to combat poverty, especially in rural, disadvantaged and marginalized areas. The Committee also recommends that the State party focus on the rights of vulnerable groups, especially women and children, as well as other disadvantaged and marginalized groups. It refers the State party to its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10). The Committee asks the State party to provide in its next periodic report information on how much of

the budget is allocated to combating poverty in disadvantaged areas and comparative data disaggregated by sex, region and urban/rural area on poverty rates.

308. The Committee notes with concern the shortage of housing units in the State party, estimated at around 600,000 in urban areas. The Committee is also concerned that 70 per cent of households in urban areas live in districts lacking adequate infrastructure. Moreover, while noting the various projects to build new housing and prepare plots of land, the Committee regrets not having been supplied with information on the existence of a national housing strategy.

The Committee recommends that the State party introduce a national strategy and action plan on the right to adequate housing and ensure that construction of new social housing targets disadvantaged and marginalized individuals and groups, especially slum-dwellers. The Committee further recommends that the State party significantly increase the housing budget in order to address the scale of the problem. The Committee draws the State party's attention to its general comment No. 4 (1999) on the right to adequate housing.

309. The Committee notes with concern the high number of reported cases of forced eviction and demolition of houses conducted without sufficient notice, and without provision of adequate compensation or alternative accommodation. The Committee regrets that the State party has failed to provide details of Decree No. 2008/0738/PM of 23 April 2008 on land management procedures and requirements, or information on access to remedies for the persons concerned (art. 11).

The Committee urges the State party to ensure that the legal framework regulating urban development projects guarantees the provision of appropriate compensation or alternative accommodation in case of eviction, as well as access to remedies for the persons concerned. In addition, the Committee urges the State party to ensure that, in practice, no one is left homeless as a result of eviction. In this regard, the Committee refers the State party to its general comment No. 7 (1997) on forced evictions.

310. The Committee notes with concern that the system of land tenure in the State party is out of step with the country's economic and cultural situation, and that it makes some indigenous population groups and small-scale farmers vulnerable to land grabs. It is also concerned about obstacles such as prohibitive land transaction fees that bar the way to land ownership, particularly by women (art. 11, para. 1 (a)).

The Committee urges the State party to speed up the process of land reform, to guarantee the right of indigenous population groups and small-scale producers to ancestral and community lands and to ensure that obstacles to land ownership, in particular those faced by women, are removed.

311. While noting the improved access to safe drinking water in the State party and the programme that is under way to extend water supply and electricity to rural areas, the Committee notes with concern that much of the rural population still does not have access to them. The Committee also notes the high cost of water and of individual connections to the public network, and the large number of children forced to help fetch safe drinking water (arts. 10 and 11).

The Committee urges the State party to step up efforts to improve access to safe drinking water, particularly in rural areas. It further recommends that the State party take the necessary measures to improve water supply to homes and to ensure that the planned 70,000 community connections benefit the most disadvantaged groups. The Committee draws the State party's attention to its general comment No. 15 (2002) on the right to water. It also recommends that the State party raise public

awareness of the very harmful effect on children's health of carrying heavy jugs of water.

312. The Committee is concerned about food insecurity in the north of the State party and the high level of malnutrition in the country. It also notes with concern price rises and the recurring or occasional shortage of certain foodstuffs, which persist despite initiatives by the State party, such as subsidizing certain products and negotiating prices with distributors (art. 11).

The Committee urges the State party to take the necessary measures to protect the right to adequate food, including by setting up a public food distribution system for the most disadvantaged and marginalized regions and groups. It also calls on the State party to tackle structural problems related to food insecurity, such as security of land tenure for small-scale producers, the transport and distribution of foodstuffs, and the availability of agricultural credits. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Food and Agriculture Organization of the United Nations.

313. The Committee remains concerned about the inadequacy of policies implemented by the State party to reduce infant and maternal mortality. It also regrets that the rate of teenage pregnancy remains high and, above all, that 20 per cent of abortions performed on teenage girls are carried out illegally, putting their health and lives in danger (arts. 10 and 12).

The Committee urges the State party to take all necessary measures to reduce infant and maternal mortality and to facilitate the access of women and adolescent girls to sexual and reproductive health services, including family planning and birth control information. The Committee also urges the State party to assess the adequacy and effectiveness of laws designed to prevent maternal mortality caused by illegal abortions.

314. The Committee notes with concern that, in the absence of reasonably priced products, poor quality medicines are sold on the black market (art. 12).

The Committee urges the State party to take appropriate measures to dismantle the informal supply and distribution network for poor quality medicines and to improve access to generic medicines. The Committee draws the attention of the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

315. The Committee notes with concern that cholera epidemics, which are linked to poor sanitation, remain frequent in spite of the State party's efforts to bring them under control. The Committee also observes that, according to data from Cameroon's National Institute of Statistics, only 14.2 per cent of rural households have decent toilets (arts. 11 and 12).

The Committee urges the State party to step up efforts to prevent cholera and to develop public sanitation and waste treatment services and the provision of safe water, especially in rural areas and including in schools. It further recommends that the State party take the necessary measures to improve access to adequate sanitation facilities. The State party should provide information in its next periodic report on the implementation of this recommendation and on the percentage of schools equipped with adequate and separate toilets. The Committee refers the State party to its statement on the right to sanitation (2011).

316. The Committee is concerned about the HIV/AIDS prevalence rate in the State party, which remains high despite a decline in recent years resulting from measures taken thus far (art. 12).

The Committee recommends that the State party continue efforts to improve access to, and the availability and quality of, services for the prevention of AIDS, while also developing treatment services, especially in rural areas, paying particular attention to vulnerable groups such as women, young people and children, and risk groups such as sex workers and prisoners. The Committee also asks the State party to ensure that persons living with HIV/AIDS are aware of their human rights and the laws that protect them.

317. The Committee notes with concern the high rate of smoking in the State party, despite measures taken to cut the consumption of tobacco (art. 12).

The Committee recommends that the State party design effective policies to combat tobacco consumption, strengthen its prohibition on tobacco product advertising, enact legislation imposing a strict ban on smoking in all closed public areas, and intensify public awareness-raising campaigns. It also recommends that the State party allocate part of its revenue from taxes on cigarettes to discourage smoking.

318. Although free public primary education has been introduced, the Committee is concerned about the high cost of related expenses, including parent association fees, which parents have to pay when enrolling their children. The Committee is also concerned about unequal access to primary education in Adamaoua, North and Far North provinces, where girls receive less schooling. In addition, the Committee notes that, although the State party has improved school attendance rates, low retention levels in primary schools and establishments that dispense transitional education to secondary schooling continue to lie at the heart of the child labour issue. The Committee observes furthermore that only 5 per cent of the population goes on to higher education (arts. 13 and 14).

The Committee recommends that the State party ensure that education is free of charge and equally accessible to all. It recommends that the State party offer financial assistance to low-income families to cover education-related expenses. The Committee also insists on the need for stronger measures to reduce the dropout rate. It further urges the State party to expand access to higher education in order to provide the labour market with the skills essential to the country's growth. The Committee draws the State party's attention to its general comment No. 13 (1999) on the right to education.

319. The Committee is concerned that, despite its legal recognition of the cultural rights of indigenous peoples living on its territory, the State party has moved some communities, such as the Baka Pygmy community and the Mbororo community, away from their ancestral lands, which have been opened to third parties for logging, thereby forcing those communities to adapt to other dominant cultures in the country (art. 15).

The Committee recommends that the State party take effective measures to protect the right of each group of indigenous people to its ancestral lands and the natural resources found there, and to ensure that national development programmes comply with the principle of participation and the protection of the distinctive cultural identity of each of these groups. In this regard, the Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

320. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

321. **The Committee encourages the State party to consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the optional protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also calls on the State party to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

322. **The Committee encourages the State party to cooperate fully with the Special Rapporteur on the human right to safe drinking water and sanitation and the Special Rapporteur on the right to food during their forthcoming visits to Cameroon. It also encourages the State party to consider inviting the Special Rapporteur on extreme poverty and human rights to visit the country and extending invitations to other special rapporteurs dealing with economic, social and cultural rights, in order to benefit from their expertise in developing policies that address the Committee's concerns.**

323. **The Committee strongly recommends that the State party continue to cooperate with the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes with a view to realizing economic, social and cultural rights in compliance with its obligations under the Covenant, following up on these concluding observations and preparing its next report.**

324. **The Committee asks the State party to disseminate these concluding observations widely at all levels of society, in particular among State officials, the judiciary and civil society organizations, and to inform the Committee of all steps taken to implement them in its next periodic report. It encourages the State party to continue involving civil society organizations in the process of discussion at the national level prior to the submission of its next periodic report.**

325. **The Committee invites the State party to update its core document in accordance with the harmonized guidelines on reporting, as approved by the international human rights treaty-monitoring bodies.**

326. **The Committee requests that the State party submit its next periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) by 2 December 2016.**

Estonia

327. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Estonia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/EST/2 and Corr.1) at its 32nd to 34th meetings, held on 15 and 16 November 2011 (E/C.12/2011/SR.32-34), and adopted, at its 59th meeting held on 2 December 2011, the following concluding observations.

A. Introduction

328. The Committee welcomes the submission of the second periodic report of Estonia which complies with the Committee's reporting guidelines. The Committee also welcomes the written replies to its list of issues (E/C.12/EST/Q/2/Add.1). Moreover, the Committee

welcomes the statistical data provided in both documents which enabled the Committee to make an assessment of the progress in the realization of the rights.

329. The Committee welcomes the dialogue with the State party and the frank and constructive interaction it had with the high-level and large delegation which comprised representatives from relevant ministries.

B. Positive aspects

330. The Committee welcomes the ratification of the following instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (18 December 2006), the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (30 January 2004), and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (3 August 2004).

331. The Committee notes with appreciation the efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

(a) The transparent and consultative process of preparation of the periodic report, which benefited from the participation of civil society organizations;

(b) The system of collection and production of statistical data which enables the monitoring of the realization of economic, social and cultural rights;

(c) The establishment of the Unemployment Insurance Fund and the reforms brought to the labour market services;

(d) The adoption of the Gender Equality Act in 2004 and the conduct of the periodic Gender Equality Monitoring survey;

(e) The policy of the State party of supporting the teaching of mother tongues of minorities and the promotion of bilingualism in education;

(f) The integration of human rights education in the school curricula.

C. Principal subjects of concern and recommendations

332. The Committee notes with concern that legal obligations incurred by the State party at the international level are restrictively interpreted by the judiciary as representing merely non-self-executing obligations and not giving rise to subjective claim rights at the domestic level. Thus, individuals are unable to claim violations of their economic, social and cultural rights emanating from the Covenant.

The Committee recommends that the State party establish training programmes for the legal profession and judges on the scope of economic, social and cultural rights emanating from the Covenant and of the State party's obligation to effectively implement binding human rights obligations at the domestic level. The Committee refers the State party to its general comments Nos. 3 (1990) on the nature of States parties' obligations and 9 (1998) on the domestic application of the Covenant.

333. **The Committee urges the State party to take steps to make any necessary legislative amendments to bring the Chancellor of Justice into compliance with the Paris Principles and to apply for its accreditation to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in due course. The Committee also draws the attention of the State party to its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.**

334. The Committee notes with concern that the Equal Treatment Act does not prohibit discrimination on all grounds stipulated in article 2, paragraph 2 of the Covenant in the enjoyment of all economic, social and cultural rights.

The Committee calls on the State party to adopt the necessary legislative amendments so as to prohibit discrimination on all grounds stipulated in article 2, paragraph 2 of the Covenant and in the exercise of all economic, social and cultural rights. The Committee also requests that the State party include in its next periodic report information and statistical data on court cases and complaints lodged to the Gender Equality and Equal Treatment Commissioner on discrimination, as well as actions taken thereon.

335. The Committee remains concerned that persons with the status of 'non-citizens,' in accordance with the passport issued by the authority, still make up approximately 7 per cent of the population. The Committee is further concerned that the citizenship of persons who have acquired it by naturalization can be revoked under some circumstances (art. 2, para. 2).

The Committee recommends that the State party intensify its effort to facilitate the acquisition of Estonian citizenship by persons with the status of 'non-citizens' and to address obstacles encountered by applicants, including by softening the official language qualifications required for those who have long residence in the country and by granting Estonian citizenship to children born in the families of those persons. The Committee also urges the State party to amend its legislation on citizenship so as to ensure that all citizens are treated equally irrespective of the mode of acquisition of the citizenship, in conformity with the obligation of non-discrimination under article 2 of the Covenant.

336. The Committee expresses concern about the discrimination against the Russian-speaking population which continues to be disproportionally affected by unemployment and poverty (art. 2, para. 2).

The Committee calls on the State party to intensify its efforts to address the persistent disadvantages faced by the Russian-speaking population in the enjoyment of economic, social and cultural rights, and to ensure that strategies and policies adopted in this regard address both formal and substantive discrimination, and include the implementation of special measures in the field of employment.

Furthermore, the Committee calls on the State party to ensure that language requirements in relation to employment are based on reasonable and objective criteria, linked to the needs for the performance of each individual job, so as to avoid discrimination on the basis of language.

337. The Committee expresses concern at the entrenched gender role stereotypes in the society and their negative impact on the enjoyment by women of their economic, social and cultural rights, including in the exercise of their right to work. The Committee is further concerned at the gender disparity in the fields of education and employment. The Committee is also concerned at the inadequacy of human resources allocated to the promotion of gender equality, especially in the Office of the Gender Equality and Equal Treatment Commissioner, which consists of only the Commissioner and one advisor (art. 3).

The Committee calls on the State party to intensify its efforts aimed at eliminating the societal gender role stereotypes and prejudices, including through awareness-raising campaigns. The Committee also calls on the State party to take concrete measures to improve gender balance in education disciplines traditionally dominated by either sex.

Moreover, the Committee urges the State party to allocate the necessary resources for the promotion of gender equality.

338. **The Committee urges the State party to amend its legislation so as to ensure that work by prisoners is authorized only when freely chosen or accepted without duress.**

339. The Committee is concerned that unemployment remains significant, in spite of the efforts of the State party. The Committee is also concerned about the vulnerability of the employment sector in the State party to economic shocks, as shown by the drastic surge in unemployment between 2008 and 2010 (arts. 6 and 7).

The Committee recommends that the State party intensify its efforts in reducing unemployment and that measures taken in this regard also seek to reduce the vulnerability of the employment sector to economic shocks. The Committee also recommends that the State party closely monitor the enforcement of the Employment Contracts Act so as to ensure that the application of the provisions aimed at introducing flexibility in employment relations does not lead to violations of rights under articles 6 and 7 of the Covenant. The Committee refers the State party to its general comment No. 18 (2005) on the right to work.

340. The Committee is concerned that, despite the efforts made by the State party aimed at raising awareness of the provisions of the Gender Equality Act among employers and workers, women remain disadvantaged in the labour market. In particular, women have greater difficulty to be reintegrated into the labour market and generally earn much less than male workers, including when they perform the same work (arts. 6, 7 and 3).

The Committee urges the State party to take all necessary measures to ensure an effective enforcement of legislation on gender equality in employment and to create an enabling environment which promotes the participation of women in the labour market, including by ensuring the availability and affordability of day-care services in all regions. The Committee also calls on the State party to ensure that the formulation and the implementation of the plan to address the gender pay gap, called for by the Parliament, take account of the need to expand the mandate of labour inspectors to monitor discrimination in remuneration and the need to ensure equal remuneration for work of equal value.

341. The Committee is concerned that in spite of efforts undertaken, a large proportion of persons with disabilities are still unemployed (arts. 6, and 2, para. 2).

The Committee recommends that the State party intensify efforts aimed at providing persons with disabilities with the opportunity to secure an appropriate employment. The Committee recommends that the State party continue to raise awareness of the rights of persons with disabilities as well as of incentives in place, and to address the obstacles identified, such as accessibility and transport. The Committee also calls on the State party to ensure that measures taken in this regard effectively aim at the realization of the right to gain a living by work freely chosen or accepted.

342. The Committee remains concerned that, in spite of the significant increase in the level of the minimum wage, it does not provide a decent living for workers and their families (art. 7).

The Committee recommends that the State party take the necessary measures to ensure that the level of the minimum wage provides a decent living for workers and their families.

343. The Committee notes with concern that the legislation in force in the State party prohibits civil servants from participating in strikes, including those who do not perform essential services (art. 8).

The Committee calls on the State party to ensure that the provisions on civil servants' right to strike in the Public Service Act comply with article 8 of the Covenant by restricting the prohibition of strike to those discharging essential services.

344. The Committee is concerned that a significant number of persons receiving social security benefits live in poverty. Moreover, the Committee expresses concern about the limited duration of the payment of unemployment benefits (art. 9).

The Committee calls on the State party to review its social security policy to ensure that benefits, both in terms of amount and duration guarantee an adequate standard of living to recipients and their families. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security.

345. The Committee is concerned that unemployment benefits are not paid in cases where the employment contract has been terminated due to professional fault (art. 9).

The Committee urges the State party to rescind the condition imposed on the payment of unemployment benefits, as regards the motive of termination of the employment contract.

346. The Committee notes with concern the prevalence of domestic violence in the State party and the absence of a specific provision of domestic violence as an offence in the Penal Code. Furthermore, the Committee regrets that the 2010–2014 Development Plan for the Reduction and the Prevention of Violence does not foresee large-scale awareness-raising campaigns (art. 10).

The Committee calls on the State party to include a specific offence of domestic violence in the Penal Code. Moreover, the Committee calls on the State party to ensure that protection measures, including restraining orders and shelters, are effective and accessible to victims of violence. The Committee also recommends that the State party conduct media campaigns targeting all segments of the population with a view to changing the society's attitudes regarding domestic violence.

347. The Committee notes with concern the shortcomings in the legislative framework for the protection of the child, including the Employment Contract Act which authorizes longer working time than international standards for children under 15, the provisions of the Penal Code on the participation of a child of 14 and above in erotic work, and the Family Law Act which permits the marriage of a child between 15 and 18 upon a court decision and the consent of parents or guardian (art. 10).

The Committee urges the State party to strengthen its legislative framework on child rights protection. In particular, the Committee urges the State party to take the following into account in the formulation of the new Child Protection Act and other legislative measures: bring its legislation on working time as regards children under 15 into line with international standards, prohibit the engagement of children in erotic work, and to ensure that no marriage may be concluded with a child below 18 years of age. The Committee requests the State party to include in its next periodic report information on the number of child marriages on an annual basis.

348. The Committee notes with concern the acute shortage of housing, including social housing, in Tallinn and, to a lesser extent, in cities and towns as well as rural municipalities, which undermines the ability of the State party to provide accommodation especially for disadvantaged and marginalized individuals and groups. The Committee also

regrets that it has not been provided with information on the circumstances in which evictions can be conducted without court decisions (art. 11).

The Committee urges the State party to take the necessary measures to address the shortage of housing, including social housing, in all regions concerned, especially for disadvantaged and marginalized individuals and groups. The Committee also requests that the State party include in its next periodic report information on any enactment relating to evictions. In this regard, the Committee refers the State party to its general comment No. 7 (1997) on forced evictions.

349. The Committee notes with concern that, in spite of efforts undertaken, the number of persons living below the poverty line and those at risk of poverty remains high, particularly among non-Estonians (art. 11).

The Committee recommends that the State party formulate and implement policies and strategies to reduce poverty. In this regard, the Committee refers the State party to its 2001 statement on poverty and the Covenant.

350. The Committee expresses concern that, while the rate of abortion has decreased, it continues to be widely practiced among adolescents, despite efforts to include sex education in the school curricula and the dissemination of information on sexual and reproductive health directed to adolescents through various media. Moreover, the Committee is concerned that unwanted pregnancy often leads teenage girls to drop out from school. The Committee also regrets that it has not been provided with information on the measures taken by the State party to raise awareness of sexual and reproductive health among the public at large (arts. 12 and 10).

The Committee urges the State party to ensure that sexual and reproductive health services are effectively accessible to adolescents. The Committee also calls on the State party to intensify its efforts aimed at preventing teenage pregnancy and to provide the necessary support services for pregnant adolescents, including measures to enable them to continue their education. The Committee requests the State party to include in its next periodic report information on sexual and reproductive health education provided to the public.

351. The Committee notes with concern the persisting high suicide rate in the State party, in spite of psychological assistance and counselling services made available (art. 12).

The Committee calls on the State party to strengthen its efforts aimed at combating suicide. The Committee also recommends that the State party assess whether the services available for the prevention of suicide are effective and are accessible to individuals and groups who are at risk of suicide. The Committee also requests that information on measures taken in this regard, as well as on mental health generally, including on the coverage of ambulatory services, be provided in the State party's next periodic report.

352. The Committee is concerned at the increase in drug use in the State party (art. 12).

The Committee calls on the State party to intensify its efforts with regard to preventing drug use, including through education and awareness-raising programmes, and expansion of the provision of drug substitution therapy. Furthermore, the Committee encourages the State party to continue expanding the needle exchange programme.

353. The Committee is concerned about alcohol consumption which remains high despite measures taken, such as the increase in the excise tax on alcohol and the prohibition of sales during specific hours (art. 12).

The Committee recommends that the State party intensify its efforts aimed at combating alcohol abuse, including through awareness-raising campaigns.

354. The Committee notes with concern that the number of pupils who do not complete the upper secondary education remains high (art. 13).

The Committee recommends that the State party adopt targeted measures to address school dropout among pupils, and include in its next periodic report information on measures taken thereon as well as statistical data on dropout disaggregated by year, sex, ethnic origin, and level of education. The Committee also draws the attention of the State party to its general comment No. 13 (1999) on the right to education.

355. The Committee expresses concern at the persistent stigmatization of certain nationalities, ethnicities, and population groups and at reports of racist acts against them (arts. 13 and 2, para. 2).

The Committee calls on the State party to ensure that its education programmes contribute to the promotion of understanding, tolerance and friendship among all nationalities, and all racial, ethnic or religious groups, as called for by article 13 of the Covenant. In particular, it recommends that the courses under the new national curriculum, aimed at supporting the development of ethical, responsible and active citizenship, also attend to the elimination of intolerance and social prejudices.

356. The Committee regrets that adequate information has not been provided to enable it to ascertain the full enjoyment of the rights guaranteed to the several national, ethnic and linguistic minorities in the State party. The Committee is also concerned about the absence of a legislative framework recognizing the identities and the cultural rights of minorities, in spite of the activities undertaken for their promotion (art. 15).

The Committee recommends that the State party guarantee in its legislation the status and rights of national, ethnic and linguistic minorities, including by adopting a comprehensive law, so as to ensure the protection and promotion of economic, social and cultural rights for all minorities. In particular, the Committee recommends that an adequate status be granted to minority languages. For the implementation of this recommendation, the Committee draws the attention of the State party to its general comment No. 21 (2009) on the right to everyone to take part in cultural life. The Committee also requests the State party to include in its next periodic report information on the share of the public budget invested in the promotion of the culture of minorities.

357. The Committee is concerned that some sections of the population, in particular disadvantaged and marginalized individuals and groups, do not participate in cultural activities due to limited accessibility and affordability (art. 15).

The Committee encourages the State party to take measures to promote the realization of the right of everyone to take part in cultural life, including by ensuring that access to cultural goods is facilitated, particularly for disadvantaged and marginalized individuals and groups.

358. **The Committee requests the State party to include in its next periodic report more detailed information on:**

(a) The impact of the implementation of plans on the improvement of the quality of water;

(b) The coverage of health care for older persons, particularly older women, including the services provided to them;

(c) The care of persons with multi-resistant forms of tuberculosis, as well as their number;

(d) The extent of trafficking in persons in and from the State party, and the impact of measures taken, including information on the enforcement of the legislation on trafficking;

(e) The impact of measures taken to address violence in school;

(f) The enrolment of non-Estonian pupils and students at the various levels of education;

(g) The measures taken to ensure that the population benefits, without discrimination, from scientific progress and its application.

The Committee further requests that the State party provide the relevant data for (a) to (f) on a disaggregated basis by year, sex, and urban/rural area, during the reporting cycle.

359. The Committee encourages the State party to increase the level of its contribution of official development assistance, which stood at 0.1 per cent of gross domestic product in 2010, and to establish a timeline for reaching the international standard of 0.7 per cent of gross national income.

360. **The Committee encourages the State party to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

361. **The Committee invites the State party to expedite the ratification of the Convention on the Rights of Persons with Disabilities. The Committee also encourages the State party to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and signing and ratifying the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.**

362. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue to engage with non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

363. **The Committee invites the State party to update its core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting (HRI/GEN/2/Rev.6).**

364. **The Committee requests the State party to submit its third periodic report, prepared in accordance with the revised reporting guidelines of the Committee adopted in 2008 (E/C.12/2008/2), by 2 December 2016.**

Israel

365. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Israel on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ISR/3) at its 35th, 36th and 37th meetings, held on 16

and 17 November 2011 (E/C.12/2011/SR.35-37), and adopted, at its 59th meeting held on 2 December 2011, the following concluding observations.

A. Introduction

366. The Committee welcomes the submission of the third periodic report of Israel and the written replies to its list of issues. It also notes with appreciation the high level of the State party's delegation, and its positive and constructive engagement with the Committee.

367. The Committee, reminds the State party, while noting its serious security concerns, of its obligation to report and to fully guarantee and implement the Covenant rights for all persons in all territories under its effective control.

B. Positive aspects

368. The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

(a) The enactment in July 2011 by the Knesset of the National Council for Nutrition Security Law;

(b) The amendment in July 2010 of the Equal Employment Opportunities Law;

(c) The enactment in 2008 by the Knesset of the Encouragement of the Advancement and Integration of Women in the Work Force and the Adjustment of Workplaces to Women's Needs Law;

(d) The rendering of the Supreme Court in June 2011 of a decision affirming that access to water is a basic human right;

(e) The ruling by the High Court of Justice in February 2011 determining that the Ministry of Education was required to take concrete measures to promote the right to education for children in East Jerusalem and address the lack of classrooms;

(f) The adoption in October 2011 of the Trajtenberg report recommendations to lower the cost of living, ease the financial burden of poorer and middle-class families and increase the supply of affordable housing.

C. Principal subjects of concern and recommendations

369. The Committee notes with concern that most of the recommendations addressed to the State party following the consideration by the Committee of the State party's second periodic report in 2003 are still valid today.

The Committee recommends that the State party follow up on those recommendations that were issued in 2003 and that are still valid today.

370. The Committee remains concerned that, in spite of the fact that domestic courts have referred to Covenant rights in judicial decisions, the Covenant rights have not been incorporated in the domestic legal order with the consequence that the citizens can not directly invoke the rights contained in the Covenant before domestic courts.

The Committee urges that the State party incorporate the rights of the Covenant in its domestic legal order. The Committee recommends that the State party establish training programmes for the legal profession, including the judiciary, on the scope and function of the Covenant and of the State party's obligation to effectively implement binding human rights obligations at the domestic level. The Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

371. The Committee notes with regret that the State party has not yet established an independent national human rights institution.

The Committee recommends that the State party establish an independent national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

372. The Committee regrets the absence in the State party's third periodic report as well as in its replies to the list of issues of information related to the enjoyment of economic, social and cultural rights as enshrined in the Covenant in the Occupied Palestinian Territory.

The Committee urges the State party to include information on the enjoyment of economic, social and cultural rights as enshrined in the Covenant in the Occupied Palestinian Territory in its fourth periodic report. The Committee reminds the State party of the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice, as the United Nations' principal judicial body, which stated that Israel is bound by the Covenant with regard to the Occupied Palestinian Territory and that it should also not raise any obstacle to the exercise of such rights in those fields where competence has been transferred to the Palestinian authorities.

373. The Committee is concerned about the continuing obstacles to employment by the Arab Israeli population, the considerably higher levels of unemployment rates of the Arab Israeli population, and the concentration of members of the Arab, Druze and Circassian population in some sectors characterized by low wages, including agriculture and the hotel and restaurant sector (art. 6).

The Committee recommends that the State party take immediate steps to increase employment opportunities in towns and villages for Arab Israelis, and report on progress achieved in its next periodic report.

374. The Committee is concerned about the high unemployment level of persons with disabilities, despite the many projects and instruments established by the State party in this regard (art. 6).

The Committee urges the State party to effectively implement its measures to overcome the obstacles faced by persons with disabilities in accessing the labour market, and to report in its next periodic report on the impact of such measures on the unemployment rate of persons with disabilities.

375. The Committee is concerned about the negative impact of the budget cuts since 2009 regarding the Employment Service, as well as reductions in the expenditures on vocational training programmes (art. 6).

The Committee recommends that the State party take measures to strengthen the Employment Service, both in terms of its budget as well as human resources and services it offers, such as vocational training vouchers.

376. The Committee is concerned about serious obstacles to the enjoyment of the right to work of: (a) Palestinians in the West Bank whose agricultural land has been rendered inaccessible or difficult to reach by the construction of the Wall and the limited allocation of permits and opening times of the Wall gates; (b) Palestinian farmers in the Gaza Strip whose agricultural land lies in or near the buffer zone; and (c) Palestinian fishermen in Gaza (art. 6).

The Committee urges the State party to ensure that Palestinians enjoy unimpeded access to their agricultural lands in all their territories, and recommends that the State party clearly demarcate the buffer zone to the extent strictly necessary to

address its security concerns and effectively inform the civilian population in the Gaza Strip of the extent of its applicable regime. The Committee recommends that the State party conduct investigations of the killings and injuries of workers in the buffer zone, providing victims with an adequate remedy. Furthermore, the Committee calls on the State party to recognize and respect the right of the Palestinian people to the marine resources, including the right to fish in the territorial sea and Exclusive Economic Zone of the Gaza Strip.

377. The Committee is concerned about the continuing wage gap between men and women, in both the Jewish and the Arab Israeli population groups (art. 7).

The Committee recommends that the State party effectively implement measures to ensure equal pay for work of equal value, between men and women, in both the Jewish and the Arab Israeli population groups.

378. The Committee is concerned about the persistent and significant wage disparities between the Arab Israeli and the Jewish population groups, despite recent improvements as explained by the State party delegation during the dialogue. The Committee is also concerned that approximately 12 per cent of Arab Israelis are paid below the minimum wage (art. 7).

The Committee reiterates its previous recommendation that the State party take measures to eliminate inequalities in wages between Jews and Arab Israelis, in conformity with principle of equal pay for work of equal value, as enshrined in article 7 of International Covenant on Economic, Social and Cultural Rights, and ensure that wages are never lower than the established minimum.

379. The Committee is concerned about recent legislation which prescribes that persons with disabilities have a wage that in certain circumstances is 30 per cent of the minimum wage (art. 7).

The Committee recommends that the minimum wage be fully applicable to persons with disabilities The Committee further recommends that the State party make sure that this should not result in the reduction of employment opportunities for persons with disabilities.

380. The Committee is concerned that Palestinians living in the Occupied Palestinian Territory and working in Israel are not allowed to be members of the General Federation of Laborers in Israel, which has been assigned by law with the responsibility to protect Palestinian workers' rights in Israel and retains half of the union fees collected from those workers (art. 8).

The Committee recommends that the State party take steps to allow that all Palestinians living in the Occupied Palestinian Territory and working in Israel can join the General Federation of Laborers in Israel, in accordance with article 8 of the Covenant.

381. The Committee is concerned about the revocation of residency permits of Palestinians living in East Jerusalem, which results in the loss, among other things, of their right to social security, including access to social services (art. 9).

The Committee calls upon the State party to put a stop to the revocation of residency permits of Palestinians living in East Jerusalem. The Committee urges the State party not to hinder the enjoyment of their right to social security, including access to social services. The Committee also urges the State party to ensure the right of access to social security on a non-discriminatory basis, especially for disadvantaged and marginalized individuals and groups. In this respect, the Committee draws the

attention of the State party to its general comment No. 19 (2007) on the right to social security.

382. The Committee, while recognizing the efforts undertaken by the State party to combat domestic violence, is concerned that the prevalence of domestic violence against women and girls has not decreased significantly. It is also concerned that domestic violence is not defined as a crime in the Penal Code (art. 10).

The Committee recommends that the State party define domestic violence as a crime in the Penal Code and intensify its efforts to prevent and combat domestic violence, including through awareness-raiding campaigns aimed at all segments of the population. It recommends that the State party ensure an effective access to justice for victims of domestic violence, ensure the prosecution and punishment of perpetrators of such violence, and adopt effective protection measures, especially restraining orders. The Committee furthermore recommends that the State party provide training on domestic violence for the police, judiciary and other relevant officials.

383. The Committee is concerned that the State Party has not provided sufficient information concerning education, services and programmes on sexual and reproductive health aimed at the most vulnerable segments, such as women and young people from the Arab Israeli population group and those living in the Occupied Palestinian Territory.

The Committee recommends that the State party increase its efforts in the creation of educational programmes and services on sexual and reproductive health for all the population, especially women and young people from the Occupied Palestinian Territory and the Arab Israeli population group.

384. The Committee is concerned that the Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003, as amended in 2005 and 2007, imposes severe restrictions on family reunification (art. 10).

The Committee urges the State party to guarantee and facilitate family reunification for all citizens and permanent residents irrespective of their status or background, and ensure the widest possible protection of, and assistance to, the family.

385. The Committee is concerned that the State party continues to be a country of destination for trafficking in persons (art. 10).

The Committee calls on the State party to ensure full and effective implementation of its Anti-Trafficking Law and the two national plans to combat trafficking in persons. It urges the State party to take all appropriate measures to ensure that all perpetrators are prosecuted and brought to justice, and that victims have access to adequate protection and assistance.

386. The Committee is concerned that, in the case of a divorce, custody of children up to the age of six is always given to mothers, and that fathers are often required to pay child support awards that exceed their income, and if not that their freedom of movement is seriously curtailed. The Committee is concerned that divorced fathers often are required to visit their children in supervised visitation centres during their working hours, which leads to the accumulation of work absences and the risk of dismissal (art. 10).

The Committee recommends that the State party amend the Capacity and Guardianship Law so that custody of children up to the age of six is not always given to mothers, and ensure that child support awards do not lead to an inadequate standard of living for the father.

387. **The Committee recommends that the State party take measures so as to enable the Palestinian Authority to exercise its functions and powers emanating from the 1995 Interim Agreement, including the transfer of tax revenues to it (art. 11).**

388. The Committee is concerned about the high incidence of poverty among families in the State party, in particular among the Arab Israeli population, as well as in the Occupied Palestinian Territory. The Committee is furthermore concerned about the high rate of privatization of social services (art.11).

The Committee recommends that the State party establish a comprehensive policy to address the problem of poverty and social exclusion, accompanied by adequate budget allocations and a scaling down of the privatization of social services. The Committee recommends that the State party focus its efforts in particular on the Arab Israeli population, Ultra-Orthodox Jewish families and disadvantaged and marginalized groups such as older persons, persons with disabilities and asylum-seekers. The Committee also recommends that the State party ensure timely and unfettered access by the humanitarian organizations operating in the Occupied Palestinian Territory to the Palestinian population, including in all areas affected by the Wall and its associated regime. The Committee refers in this regard to its 2001 Statement on Poverty and the Covenant on Economic, Social and Cultural Rights.

389. The Committee is concerned about the lack of social housing units, the limited availability of affordable housing, and the lack of regulation of the private rental market (art. 11).

The Committee recommends that the State party take immediate steps to ensure the availability of affordable housing, by adopting a national strategy and a plan of action on adequate housing, by increasing the number of social housing units, and by offering increased rental assistance. The State party should also ensure a proper regulation of the private rental market. The Committee also urges the State party to expeditiously implement the Planning and Construction Procedures for the Acceleration of Construction for Housing Purposes Law 5771-2011. The Committee also draws the attention of the State party to its general comment No.4 (1991) on the right to adequate housing.

390. The Committee is deeply concerned about home demolitions and forced evictions in the West Bank, in particular Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers (art. 11).

The Committee urges the State party to stop forthwith home demolitions as reprisals and ensure that evictions in Area C are in conformity with the duty (a) to explore all possible alternatives prior to evictions; (b) to consult with the affected persons; and (c) to provide effective remedies to those affected by forced evictions carried out by the State party's military. The Committee recommends that the State party ensure that the development of special outline plans and closed military zones are preceded by consultations with affected Palestinian communities. The Committee also recommends that the State party review and reform its housing policy and the issuance of construction permits in East Jerusalem, in order to prevent demolitions and forced evictions and ensure the legality of construction in those areas. The Committee furthermore urges the State party to intensify efforts to prevent attacks by settlers against Palestinians and Palestinian property in the West Bank, including East Jerusalem, and investigate and prosecute criminal acts committed by settlers.

391. The Committee is concerned that the Plan for the Regularization of Bedouin Housing and for the Economic Development of the Bedouin Population in the Negev, based upon the recommendations of the Goldberg Committee and adopted in September 2011, foresees a land planning scheme that will be operated in a short and limited period of time, and includes an enforcement mechanism for the implementation of the planning and construction laws (art. 1).

The Committee recommends that the State party ensure that the implementation of the Plan does not result in the forceful eviction of Bedouins. The Committee recommends that any eviction should be based on free, prior and informed consent and that those relocated are offered adequate levels of compensation, in line with the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions. The Committee also recommends that the State party officially regulate the unrecognized villages, cease the demolition of buildings in those villages, and ensure the enjoyment of the right to adequate housing.

392. The Committee is concerned about the increasing food insecurity among disadvantaged and marginalized individuals or groups, including older persons, the Jewish Ultra-Orthodox population group, and Palestinians living in the Occupied Palestinian Territory. It is also concerned about the rising prices of consumer goods and the increasing share that these take in the overall family household budget (art. 11).

The Committee recommends that the State party intensify its efforts to address food insecurity and hunger in the State party, as well as in the Occupied Palestinian Territory, focusing on all disadvantaged and marginalized individuals or groups, without discrimination. The Committee recommends that the State party urgently adopt the report and implement the recommendations of the Inter-ministerial Committee set up to examine the Government's role and responsibility for ensuring food security for all its citizens, submitted to the Ministerial Committee for Social Affairs in March 2008. The Committee also urges the State party to establish the Food and Nutrition Security Council, in line with National Council for Nutrition Security Law 5771-2011, and task it to set up a nutrition security policy.

393. The Committee is concerned that Palestinians living in the Occupied Palestinian Territory do not have access to sufficient and safe drinking water and adequate sanitation. It is also concerned about the continuing destruction of the water infrastructure in Gaza and in the West Bank, including in the Jordan Valley, under military and settler operations since 1967 (art. 11).

The Committee urges the State party to take measures to ensure the availability of sufficient and safe drinking water and adequate sanitation for Palestinians living in the Occupied Palestinian Territory , including through the facilitation of the entry of necessary materials to rebuild the water and sanitation systems in Gaza. The Committee urges the State party to take urgent steps to facilitate the restoration of the water infrastructure of the West Bank including in the Jordan Valley, affected by the destruction of the local civilians' wells, roof water tanks, and other water and irrigation facilities under military and settler operations since 1967. The Committee draws the State party's attention to its general comment No. 15 (2002) on the right to water.

394. The Committee is concerned about the unequal treatment of Bedouin women and girls with regard to education, employment, and health, especially those living in unrecognized villages (arts. 3, 11, 12, 13 and 14).

The Committee recommends that the State party continue to take measures to improve the situation of Bedouin women and girls with regard to their access to health care, education and employment.

395. The Committee is concerned that the National Health Insurance Law excludes persons who are not in possession of a permanent residence permit, denying in practice the access to adequate health care for Palestinians with temporary permits, migrant workers as well as refugees. The Committee is also concerned about the infant and maternal mortality rates among the Arab Israeli and Bedouin population groups (art. 12).

The Committee recommends that the State party extend the coverage under the National Health Insurance Law to persons not in possession of a permanent residence permit, so as to ensure universal access to affordable primary health care for all. The Committee also urges the State party to intensify its efforts to lower the infant and maternal mortality rates among the Arab Israeli and Bedouin population groups.

396. The Committee is concerned that Palestinians living in the Occupied Palestinian Territory, especially those living in the closed zones between the Wall and the Green Line, and in Gaza, have severely restricted access to health facilities, goods and services (art. 12).

The Committee recommends that the State party take measures so as to enable the Palestinian Authority to exercise its functions and powers emanating from the 1995 Interim Agreement. The Committee urges the State party to ensure unrestricted access to health facilities, goods and services, including urgency treatment, for Palestinians living in the Occupied Palestinian Territory , especially those living in the closed zones between the Wall and the Green Line, i.e. seam zones. The Committee also urges the State party to take disciplinary action against checkpoint officials who are found responsible for unattended roadside births, miscarriages, and maternal deaths resulting from delays at checkpoints, as well as maltreatment of Palestinian ambulance drivers. The State party should take urgent measures to ensure Palestinian women's unrestricted access to adequate prenatal, natal and post-natal medical care. The State party should also take measures to ensure the availability and accessibility of psychological trauma care for people living in Gaza, in particular children.

397. The Committee is concerned that the school dropout rate is systematically higher in Arab schools compared to Hebrew schools, especially in Grade 9. It is also concerned about the serious shortage of classrooms in schools for Arab Israeli children, as well as in the Occupied Palestinian Territory (arts. 13 and 14).

The Committee recommends that the State party intensify its efforts to lower the high dropout rate for Arab Israeli and Bedouin children, including through strict enforcement of the Compulsory Education Law 5709-1949. The Committee recommends that the State party take the necessary measures to address the serious shortage of classrooms in schools for Arab Israeli children and in the Occupied Palestinian Territory. The Committee also urges the State party to ensure that children living in East Jerusalem are able to be absorbed in the regular education system through the establishment of adequate infrastructures, and until such time to provide financial coverage for alternative educational frameworks as an interim solution, in line with the decision of the High Court of Justice of 6 February 2011.

398. The Committee is concerned that the education system still does not provide adequate support to children with disabilities. It also notes with concern reports of the lack of services provided in practice to children with disabilities in regular schools, effectively limiting their integration into regular class settings (arts. 13 and 14).

The Committee recommends that the State party adopt measures in the law and in practice to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language, and allocate the necessary budget for all those measures. The Committee draws the attention of the State party to its general comment No. 5 (1994) on persons with disabilities.

399. The Committee is concerned that Palestinian children living in the Occupied Palestinian Territory are not able to enjoy their right to education, as a consequence of

restrictions on their movement, regular harassment by settlers of children and teachers on their way to and from school, attacks on educational facilities, and substandard school infrastructure. The Committee also notes with concern that there are as many as 10,000 unregistered children in East Jerusalem, out of which around 5,500 are of school age but do not attend school due to their lack of registration (arts. 13 and 14).

The Committee recommends that the State party take measures so as to enable the Palestinian Authority to exercise its functions and powers emanating from the 1995 Interim Agreement, ensuring the right to education for Palestinian children living in the Occupied Palestinian Territory. The Committee also urges the State party to address violations of the right to education, including those stemming from restriction on movement, incidents of harassment and attacks by the Israeli military and settlers on school children and educational facilities, as well as non-attendance caused by a lack of registration.

400. The Committee is also concerned that the measures adopted by the State party to restrict freedom of movement of both people and goods in the Occupied Palestinian Territory severely impede the Palestinian population's access to religious sites, cultural exchanges and events (art. 15).

The Committee recommends that the State party take measures to ensure that Palestinians living in the Occupied Palestinian Territory can exercise their right to take part in cultural and religious life, without restrictions other than those that are strictly proportionate to security considerations and are non-discriminatory in their application, in accordance with international humanitarian law. The Committee also recommends that holy sites in the Occupied Palestinian Territory are protected against demolition and desecration, in accordance with the Protection of Holy Places Law 5727-1967.

401. The Committee is concerned that the measures adopted by the State party to relocate the Arab-Bedouin villages in new settlements will negatively affect their cultural rights and links with their traditional and ancestral lands.

The Committee recommends that the State party fully respect the rights of the Arab-Bedouin people to their traditional and ancestral lands.

402. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and ratify the Convention on the Rights of Persons with Disabilities.**

403. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

404. **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 2 December 2016.**

Turkmenistan

405. The Committee on Economic, Social and Cultural Rights considered the initial report of Turkmenistan on the implementation of the International Covenant on Economic, Social and Cultural Rig[illegible] 12/TKM/1), at its 28th and 30th meetings, held on 18 and 21 November 2011, an[illegible]pted, at its 59th meeting, held on 2 December 2011, the following concluding observations.

406. The Committee appreciates the presence of a high-level delegation and welcomes the initiation of a dialogue with the State party.

A. Introduction

407. The Committee welcomes the submission of the initial report of Turkmenistan (E/C.12/TKM/1) while noting that it has been presented well after the date. The Committee also welcomes the written replies to its list of issues (E/C.12/TKM/Q/1/Add.1), but regrets that some key questions have remained unanswered.

B. Positive aspects

408. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the ratification of the International Labour Organization's Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the World Health Organization Framework Convention on Tobacco Control, and the United Nations Convention on the Status of Stateless Persons.

C. Principal subjects of concern and recommendations

409. The Committee notes that the country is currently undertaking large-scale reforms but regrets not having received sufficient information on the integration of the Covenant in relevant domestic laws and policies. The Committee also regrets that no information was provided on decisions of domestic courts in which the provisions of the Covenant have been invoked.

The Committee recommends that obligations under the Covenant be fully and thoroughly taken into account while planning and conducting reforms as well as while evaluating their results. The Committee furthermore draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant and requests the State party to include information concerning domestic case law on the application of the Covenant in its next periodic report.

410. The Committee notes with concern the lack of comparable and disaggregated data, also by sex, relating to the enjoyment of the various rights contained in the Covenant, including by members of national or ethnic minorities and by stateless persons.

The Committee encourages the State party to ensure that the population and housing census, planned for December 2012, provides precise data about the demographic composition of the population and that the results of this census are used in the formulation of laws, policies and programmes for the effective implementation of the Covenant. The Committee also calls upon the State party to put in place a comprehensive system of data collection in all areas covered by the Covenant and requests that the State party include in its next report statistical data and analysis with respect to the implementation of the provisions of the Covenant, indicating the impact of measures taken and of results achieved.

411. The Committee is concerned at the fact that the State party does not have an independent National Human Rights Institution since its National Institute of Democracy and Human Rights, established in the Office of the President, does not conform to the

principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

The Committee urges the State party to consider establishing an independent national human rights institution, in accordance with the Paris Principles, mandated to monitor compliance with the rights under the Covenant.

412. The Committee is concerned about information regarding the negative consequences of the policy of "Turkmenization" which sets out preference for persons of Turkmen origin and results in discrimination against national and ethnic minorities, especially in the field of education and employment. The Committee is in particular concerned about reports that "third generation tests" are imposed on persons wishing to access higher education and public sector employment.

The Committee recommends that the State party take all necessary measures to address discrimination against national and ethnic minorities resulting from the State party's policy of "Turkmenization". The Committee also recommends that the State party undertake an assessment of the implementation of relevant legislative provisions with respect to non-discrimination and collect comparative and disaggregated data on the enjoyment of economic, social and cultural rights by national and ethnic minorities. The Committee furthermore urges the State party ensure that "third-generation tests", particularly in employment or education sectors are not applied.

413. The Committee is concerned that the existing residence registration system (propiska) creates obstacles in accessing employment and a number of social services for those who live in another place than where they are registered.

The Committee urges the State party to take all necessary measures to ensure that its system of residence registration does not impede the enjoyment of economic, social and cultural rights by all citizens without discrimination, irrespective of the place of registration.

414. The Committee is concerned about strong negative traditional attitudes or practices and deep-rooted stereotypes which discriminate against women and are root causes for the disadvantaged position of women in a number of areas affecting their enjoyment of economic, social and cultural rights, including in the labour market, in public life, and in higher education as well.

The Committee recommends that the State party continue and expand its awareness-raising activities targeting direct and indirect discrimination against women with a view to countering negative traditional attitudes and stereotypes about the roles of women. The Committee furthermore urges the State party to adopt all necessary measures, including temporary special measures, in a number of areas affecting the enjoyment of economic, social and cultural rights of women, including in the labour market and higher education.

415. The Committee is concerned at the high level of unemployment in the State party. The Committee also notes with concern that members of ethnic or national minorities face restrictions with respect to training and employment in both the private and public sectors for reasons of their "non-Turkmen background".

The Committee urges the State party to take all appropriate measures to enhance the access to employment and to address the high rate of unemployment. The Committee calls upon the State party to ensure protection against direct and indirect discrimination in employment and occupation, including with regard to social services such as unemployment benefits and pensions. The Committee furthermore recommends that the State party collect data, disaggregated by national or ethnic origin, with respect to the situation of unemployment in the country.

416. The Committee is concerned that certain professions are not accessible to women on the ground of protecting their physical well-being. The Committee is also concerned that relevant statistics provided by the State party were not disaggregated by sex. The Committee is furthermore concerned about the lack of equality of opportunity and about the treatment of women and men with respect to their participation in employment and occupation.

The Committee recommends that the State party review all current obstacles for women in employment and that it adopt temporary special measures to promote the access of women to all types of employment and occupation. The Committee requests that the State include, in its next periodic report, statistics, disaggregated by sex, on participation in the labour market and on the average actual earnings broken down by occupation, branch of activity, and level of qualifications, with respect to both the public and private sector. The Committee furthermore urges the State party to ensure that criteria used to determine the rates of remuneration, including those established in collective agreements and in minimum wage agreements, are determined in accordance with the principle of equal remuneration for men and women for work of equal value. The Committee also recommends that the State party collect adequate data in order to ensure that the minimum wage allows for the provision of all basic services.

417. The Committee is concerned that the National Trade Union Centre is the only trade union in the State party, that it is controlled by the Government of Turkmenistan, and that the absence of independent trade unions may lead to various violations of workers' rights. The Committee is furthermore concerned at the absence of specific legislation with regard to the right to strike.

The Committee recommends that the State party remove all impediments for creating trade union organizations outside of the National Trade Union Centre and consider adopting a specific law outlining the modalities of the right to organize strike action.

418. The Committee is concerned about the absence of comparable and disaggregated data with respect to the enjoyment of social security benefits such as unemployment benefits, as well as disability and retirement pensions. In this regard, the Committee is particularly concerned about the situation of individuals working in the informal sector.

The Committee recommends that the State party periodically review the amounts of both pensions and unemployment benefits to bring them in line with the cost of living. The Committee furthermore recommends that the State party take all necessary measures to ensure that the social security system offers workers adequate coverage and minimum pensions, including for those working in the informal sector.

419. The Committee is concerned that the provision of social assistance and welfare benefits for persons with disabilities is inadequate. The Committee is also concerned at the absence of adequate data with regard to children and adults with disabilities.

The Committee recommends that the State party enhance the provision of social assistance and of welfare benefits to persons with disabilities and in this regard refers the State party to its general comment No. 5 (1994) on persons with disabilities. The Committee also recommends that the State party collect disaggregated data on the enjoyment, by children and adults with disabilities, of the rights set out in the Covenant, that the State party use such data to develop laws, programmes and policies to promote equal opportunities for children and adults with disabilities, and that the State party include such information in its next periodic report.

420. The Committee is concerned about the absence of specific legislation on all forms of violence against women, including on criminalizing domestic violence and marital rape.

The Committee is also concerned about the incidence of violence against women, including domestic violence and marital rape, in the State party.

The Committee urges the State party to adopt specific legislation criminalizing domestic violence and marital rape, to ensure that women and girls who are victims of violence have access to immediate means of redress and protection, and to prosecute and punish perpetrators. The Committee furthermore recommends that the State party put in place prevention and awareness-raising programmes about violence against women, including in the domestic setting. The Committee also recommends that the State party conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence and marital rape in order to serve as basis for comprehensive and targeted action.

421. The Committee is concerned about the lack of information provided by the State party about the extent of exploitation in prostitution of, and trafficking in women and girls. The Committee is furthermore concerned about reports that the State party has not taken sufficient prevention initiatives as well as measures to support victims, including medical, social and legal assistance.

The Committee recommends that the State party collect disaggregated data on the situation of trafficking in Turkmenistan. The Committee urges the State party to increase the provision of programmes aimed at providing counselling, shelter, legal assistance, and other rehabilitative services to victims of trafficking, and suggests that the State party consider enhancing its cooperation with civil society organizations in this regard. The Committee also urges the State party to ensure formal victim identification procedures, victim referral or victim sensitivity training for border guards and police officers.

422. The Committee is concerned that, in spite of the fact that polygamy is illegal in the State party, it remains widely practiced. The Committee is also concerned that no measures are taken to protect women in polygamous relations.

The Committee calls upon the State party to effectively enforce its laws penalizing polygamy and to take comprehensive and effective measures aimed at eliminating this phenomenon as well as to address the negative consequences women involved in such situations may suffer.

423. The Committee is concerned that child marriages still occur in the State party despite the existence of legislation against them.

The Committee also calls upon the State party to take all necessary measures in order to prevent child marriages from occurring.

424. The Committee is concerned that, partly due to an unequal distribution of wealth, a considerable number of families live at risk of poverty and that a considerable proportion of the population does not have access to safe drinking water and adequate water sanitation, in particular in rural areas, which allegedly have been the direct and indirect cause for a number of diseases, including diarrhoea, hepatitis A, dysentery, methemoglobinemia by bottle-fed babies, poliomyelitis, and enteric fever.

The Committee recommends that the State party develop an effective policy for the reduction of poverty, including by reducing inequalities in the distribution of wealth. In addition, the Committee urges the State party to fully implement its legislation guaranteeing the provision of safe drinking water and adequate water sanitation in Turkmenistan and also urges the State party pay particular attention to rural areas in any policies or programmes adopted in this regard.

425. The Committee is concerned at reports that the State party has forcibly relocated human rights activists, members of ethnic minorities and their family members to inhospitable parts of Turkmenistan. The Committee is also concerned at reports that a large number of forced evictions have been carried out in the context of the urban renewal project commonly known as "National Programme of Improvement of Social Conditions for the Population of Villages, Settlements, Towns, Districts, and Rural Centers through 2020".

The Committee urges the State party to refrain from forcibly relocating or evicting individuals. The Committee recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law. In this regard, the Committee draws the attention to its general comment No. 7 (1997) on forced evictions which includes guidance on, inter alia, adequate legal remedies, adequate compensation, and consultation.

426. The Committee is concerned that, despite the efforts of the State party to improve services with regard to sexual and reproductive health, the abortion rate in the State party, especially among young people, remains high. The Committee also regrets that the State party did not provide sufficient information about its efforts in the field of education and prevention with respect to sexual and reproductive health, and that the State party did not provide statistical data, disaggregated by sex and age, on health issues.

The Committee urges the State party to increase its efforts with a view to providing women and young persons with effective access to services in the area of sexual and reproductive health, with specific attention to education, prevention and treatment. The Committee also requests that the State party provide statistical data on health related matters, disaggregated by sex and age, in its next periodic report.

427. The Committee is concerned about the inaccuracy of data relating to the prevalence HIV/AIDS, tuberculosis, and sexually transmitted infections. In particular, the Committee is concerned about the existence of a State controlled quota system, for instance with regard to reporting on maternal and infant mortality rates, and of pressure exercised on health workers to meet such quotas.

The Committee urges the State party to review the collection of statistical information with regard to health issues and to remove all forms of pressure on health care workers to meet real or perceived quotas in the delivery of health services. In addition, the Committee requests the State party to intensify its efforts with a view to further reducing its maternal, child and infant mortality rates, including through educational programmes on sexual and reproductive health and by focusing on prevention and treatment. The Committee also suggests that the State party develop and sustain a national HIV/AIDS policy focusing on stigma reduction, treatment and support, as well as prevention, and suggests that the State party avail itself of technical assistance from relevant international organizations such as the United Nations Joint Programme on HIV/AIDS (UNAIDS) in this regard.

428. The Committee is also concerned about widespread hospital closures, in 2004, outside of the capital as well as about the dismissal of thousands of health-care workers in connection with a reform of the health-care sector. The Committee is also concerned about reports that all medical institutions in Turkmenistan have been made reliant on self-financing resulting in a lack of professional health-care workers and basic medical supplies in hospitals.

The Committee requests the State party to make sure that a sufficient number of hospitals outside of the capital remain in operation. The Committee also urges the State party to allocate sufficient resources for the health sector, and in particular, to ensure that hospitals have the necessary supplies and emergency medicines at their

disposal. The Committee furthermore recommends that the State party avail itself of the possibility of receiving technical assistance from, inter alia UNICEF, WHO, UNODC, UNFPA and UNDP.

429. The Committee is concerned about the acute lack of qualified teaching personnel and of appropriate teaching materials creating obstacles for secondary school graduates wishing to enter higher educational establishments in Turkmenistan and abroad. The Committee is furthermore concerned with the reported widespread practice of charging high unofficial fees for access to higher educational institutions.

The Committee recommends that the State party take all necessary measures to improve the quality of education, including by improving school curricula with a view to meeting international standards of education, by improving school facilities, textbooks and other supplies, and by investing in the training of teachers. The Committee also recommends that the State party eliminate the practice of collecting unofficial fees for access to higher educational institutions.

430. The Committee is concerned that, in spite of specific legislative provisions in this regard, the possibilities for ethnic minorities, notably Kazakh, Uzbek, Armenian and Russian, to study in their mother tongue are limited. The Committee is also concerned that a number of Turkmen students enrolled in universities abroad have been prevented from leaving the country to pursue their studies.

The Committee recommends that the State party take the necessary action to facilitate access to Kazakh, Uzbek, Armenian and Russian language classes and schools for children of ethnic minorities. The Committee also recommends that the State party take all appropriate measures to ensure that Turkmen students enrolled at universities abroad are allowed to leave the country and pursue their studies.

431. The Committee is concerned about the low percentage of female students in higher education and about strong gender stereotypes in the choice of students' field of study.

The Committee recommends that the State party take the necessary measures, including temporary special measures, to promote an increase of the number of women in higher education and provide incentives for young women and men to enter the field of study of their choice.

432. The Committee is concerned that national and ethnic minorities as well as persons belonging to those minorities face serious impediments with regard to the right to enjoy their culture. The Committee is also concerned that sources of information — including the media — are subject to Government control and do not allow for diversity.

The Committee recommends that the State party take the necessary measures to protect cultural diversity, promote awareness of the cultural heritage of national and ethnic minorities, and ensure favourable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

433. The Committee regrets that access to various sources of culture is very limited and is also concerned about reports of censorship of electronic communication and blocking of Internet sites.

The Committee urges the State party to ensure free access to divers sources of information and to cease the practice of censorship of electronic communication and blocking of Internet sites thereby making the Internet available to all that desire it.

434. The Committee is concerned that members some religious groups do not fully enjoy the right to cultural expression in the field of religion and that some religious confessions

remain unregistered on account of undue registration criteria. The Committee is also concerned about the ban on worship in private homes and on the public wearing of religious garb, except by religious leaders, as contained in the 2003 Religion Law.

The Committee urges the State party to uphold the freedom of religion enshrined in the State party's Constitution and respect the right of members of registered and unregistered religious groups to freely exercise their religion and culture. The Committee also calls upon the State party to amend the 2003 Religion Law in order to remove undue registration criteria pertaining to certain religious groups as well as various restrictions impacting negatively on the freedom of religion.

435. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the Covenant.**

436. **The Committee encourages the State party to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.**

437. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, to translate and publicize them as far as possible, and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging national human rights institutions, non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

438. **The Committee requests the State party to submit its second periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 2 December 2016.**

Chapter VI
Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights

A. Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights

439. At its 29th meeting, held on 20 May 2011 (forty-sixth session) the Committee discussed and adopted a statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights. The full text of the statement is contained in annex VI, section A, of the present report.

B. Statement on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development

440. Also at its 29th meeting, held on 20 May 2011 (forty-sixth session) the Committee discussed and adopted a statement on the importance and relevance of the right to development, following the call of the High Commissioner for Human Rights to the treaty

bodies to reflect upon modalities of marking the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development by the General Assembly on 4 December 1986. The full text of the statement is contained in annex VI, section B, of the present report.

441. The Committee was also involved in an initiative that resulted in a joint statement on the right to development of the Chairpersons of the treaty bodies, adopted on 1 July 2011.

C. Cooperation with specialized agencies: eleventh meeting of the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education

442. The UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) Joint Expert Group on the Monitoring of the Right to Education held its eleventh meeting in Geneva on 29 April 2011. Committee members Mohamed Ezzeldin Abdel-Moneim and Jaime Marchan Romero participated in the meeting. The Group took stock of the outcomes of the work of the Joint Expert Group since its first meeting in 2003 and discussed its added value, both for the work of the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights. It also discussed its working methods, including modalities of collaboration with the Special Rapporteur on the right to education. The meeting further adopted the thematic focuses of its activities for the following two years, namely the cost, the quality and the accessibility of education. The full report of the eleventh meeting is contained in annex VII of the present report.

443. The Committee took note of the decision of the Executive Board of UNESCO that it considers that the initial goal of the Joint Expert Group had been met and that the Group had therefore now fulfilled its mission. The Executive Board of UNESCO has therefore decided to suspend its participation in the Group and to reflect, together with the Economic and Social Council (the Committee), on the future of the Group.

D. Cooperation with specialized agencies: informal meeting with the ILO Committee of Experts on the Application of Conventions and Recommendations

444. During the pre-sessional working group meeting, on 25 November 2010, the Committee held an informal meeting with members of the ILO Committee of Experts on the Application of Conventions and Recommendations. This was the eighth meeting between the two monitoring bodies with the aim of enhancing cooperation and exchanging views on issues of mutual interest. The meeting was hosted by the Friedrich Ebert Foundation and focused on the topic of "Regression in the realisation of social rights in light of current austerity measures". The speakers addressed the issue and highlighted the impact of this regression on the most marginalized segments of society. In that context, the meeting also stated the importance of drafting of a general comment on article 7 of the Covenant, and continued cooperation between the two committees in that respect. The benefit of such mutual exchanges was recognized by all involved and it was agreed that such cooperation should continue.

445. At its forty-seventh session, on 29 November 2011, the Committee held another, the ninth, informal meeting with members of the ILO Committee of Experts on the Application of Conventions and Recommendations. The meeting was again convened and hosted by the

Friedrich Ebert Foundation. In preparation for the ninth informal meeting, an expert group meeting was held on 26 November 2011. That meeting was also organized by the Foundation and included members of the Committee and the ILO Committee of Experts on the Application of Conventions and Recommendations, and representatives of the Secretariat and the Foundation.

E. Cooperation with specialized agencies: informal meeting with the United Nations Population Fund and the World Health Organization

446. Also at its forty-seventh session, on 24 November 2011, the Committee had an informal briefing on current challenges and consolidation of standards related to sexual and reproductive rights with the United Nations Population Fund, the World Health Organization and the non-governmental organization, Center for Reproductive Rights.

Chapter VII
Additional decisions adopted and matters discussed by the Committee at its forty-sixth and forty-seventh sessions

A. Participation in intersessional meetings

447. At its forty-sixth and forty-seventh sessions, the Committee decided that the following members would represent the Committee at the various intersessional meetings that would take place over the course of the year:

(a) Panel discussion on the occasion of the first substantive session of the Open-ended Working Group on ageing for the purpose of strengthening the protection of the human rights of older persons (19 April 2011): Ms Rocío Barahona Riera;

(b) Twenty-third meeting of chairpersons (30 June and 1 July 2011): Mr. Ariranga Govindasamy Pillay (as Chairperson);

(c) Eleventh inter-committee meeting (27–29 June 2011): Mr. Eibe Riedel and Mr. Ariranga Govindasamy Pillay (as Chairperson);

(d) Fourth Session of the Forum on Minority Issues on guaranteeing the rights of minority women and girls (29 and 30 November 2011): Ms. Heisoo Shin.

B. Rules of procedure for the Optional Protocol to the Covenant

448. The Committee proceeded with discussions of the draft rules of procedure for the Optional Protocol to the Covenant during its forty-sixth and forty-seventh sessions, and completed the first reading. The Committee plans to proceed with the second reading, with a view to adopting the draft rules of procedure, at its forty-eighth session in May 2012.

C. Future general comments and statements

449. The drafting process of the general comment on the right to sexual and reproductive health was briefly discussed during the forty-sixth and forty-seventh sessions. The Rapporteur, Ms. Barahona Riera, submitted a first draft of the general comment in November 2011 and a first reading of the draft by the Committee is expected to take place in May 2012.

450. The preliminary draft outline of a general comment on article 7 related to the enjoyment of just and favourable conditions of work was shared with the Committee members by the rapporteur for this general comment, Mr. Texier. The rapporteur also proposed a timeline for the Committee's work on this general comment and has established contacts with United Nations and civil society partners, notably ILO, which has already began to contribute to the process, as well as the Friedrich Ebert Foundation.

451. A preliminary draft proposal for a statement on article 2, paragraph 3, was introduced by Mr. Sadi as rapporteur for that statement. The Committee discussed an updated draft at the forty-seventh session and decided to defer discussion until its next session in May 2012.

D. Working methods of the Committee

452. The Committee continued discussions related to its working methods during the session.

453. The Committee discussed modalities of improving its methods of work so as to consider a higher number of reports per session and reduce the backlog of reports pending review, taking into account to its request for additional meeting time, which is pending before the Economic and Social Council. The members agreed to consider reports over two meetings instead of three as of November 2012. This was agreed upon as a temporary measure to respond to the request from the Economic and Social Council and address the current backlog (see chapter I for the decision). The members also agreed to the suggestion of the Chairperson to begin taking up non-reporting States.

454. The Committee also discussed the role of the country rapporteur and modalities of enhancing it, in particular taking into account the reduction of meeting time per report. In relation to follow-up and dialogue with States parties, it was decided that, in future sessions, after the opening statement of the delegation, the country rapporteur would make a five-minute presentation, specifically on the status of follow-up to the Committee's previous concluding observations.

455. Other areas that the Committee covered in their discussions included timekeeping for the next session. It was decided that the Chairperson would keep time in order to ensure that questions and comments were kept concise and to allow maximum time for a constructive dialogue, although the actual time limits had not yet been fixed.

456. One area which had been of some concern in recent sessions was the chapter on factors and difficulties in the concluding observations. The Committee decided that, unless it decided otherwise at a later stage, it would be best to remove this section from the concluding observations. If particular difficulties needed to be mentioned, they could be incorporated into a concern and recommendation instead.

Chapter VIII
Other activities of the Committee in 2011

Informal discussions on business and human rights

457. On 14 May 2011, the Committee members were invited to an informal discussion on businesses' responsibilities regarding the Covenant on Economic, Social and Cultural Rights, organized by the Friedrich Ebert Foundation, to discuss issues related primarily to State responsibility, extraterritorial obligations and non-State actors. Participants also

included the representatives of the International Commission of Jurists, the International Network for Economic, Social and Cultural Rights, the working group on business and human rights of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and the Secretariat.

Chapter IX
Adoption of the report

458. At its 59th meeting, held on 2 December 2011, the Committee considered its draft report to the Economic and Social Council on the work of its forty-sixth and forty-seventh sessions. The Committee adopted the report as amended during the discussions.

Annexes

Annex I

Members of the Committee on Economic, Social and Cultural Rights

Name of member	*Country of nationality*	*Term expires on 31 December*
Mr. Aslan Khuseinovich **Abashidze**	Russian Federation	2014
Mr. Mohamed Ezzeldin **Abdel-Moneim**	Egypt	2012
Mr. Clement **Atangana**	Cameroon	2014
Ms. Rocío **Barahona Riera**	Costa Rica	2012
Ms. Jun **Cong**	China	2012
Mr. Chandrashekhar **Dasgupta**	India	2014
Mr. Zdzislaw **Kedzia**	Poland	2012
Mr. Azzouz **Kerdoun**	Algeria	2014
Mr. Jaime **Marchan Romero**	Ecuador	2014
Mr. Sergei **Martynov**	Belarus	2012
Mr. Ariranga Govindasamy **Pillay**	Mauritius	2012
Mr. Renato Zerbini **Ribeiro Leão**	Brazil	2014
Mr. Eibe **Riedel**	Germany	2014
Mr. Waleed **Sadi**	Jordan	2012
Mr. Nicolaas Jan **Schrijver**	Netherlands	2012
Ms. Heisoo **Shin**	Republic of Korea	2014
Mr. Philippe **Texier**	France	2012
Mr. Alvaro Tirado **Mejia**	Colombia	2014

Annex II

Agendas of the Committee

A. Agenda of the forty-sixth session of the Committee on Economic, Social and Cultural Rights (2–20 May 2011)

1. Election of Chairperson and other officers of the Committee.
2. Adoption of the agenda.
3. Organization of work.
4. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
5. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
6. Relations with United Nations organs and other treaty bodies.
7. Consideration of reports:
    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.
8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.
9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.
10. Miscellaneous matters.

B. Agenda of the forty-seventh session of the Committee on Economic, Social and Cultural Rights (14 November–2 December 2011)

1. Adoption of the agenda.
2. Organization of work.
3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.
4. Follow-up to the consideration of reports under articles 16 and 17 of the Covenant.
5. Relations with United Nations organs and other treaty bodies.
6. Consideration of reports:
    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;
    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. **Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.**

8. **Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.**

9. **Miscellaneous matters.**

Annex III

List of general comments adopted by the Committee on Economic, Social and Cultural Rights

The general comments adopted to date by the Committee appear in the following relevant annual reports of the Committee:*

No. 1 (1989)	on reporting by States parties (third session; E/1989/22-E/C.12/1989/5, annex III)
No. 2 (1990)	on international technical assistance measures (article 22 of the Covenant) (fourth session; E/1990/23-E/C.12/1990/3 and Corr.1, annex III)
No. 3 (1990)	on the nature of States parties' obligations (article 2, paragraph 1, of the Covenant) (fifth session; E/1991/23-E/C.12/1990/8 and Corr.1, annex III)
No. 4 (1991)	on the right to adequate housing (article 11, paragraph 1, of the Covenant) (sixth session; E/1992/23-E/C.12/1991/4, annex III)
No. 5 (1994)	on persons with disabilities (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex IV)
No. 6 (1995)	on the economic, social and cultural rights of older persons (thirteenth session; E/1996/22-E/C.12/1995/18, annex IV)
No. 7 (1997)	on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions (sixteenth session; E/1998/22-E/C.12/1997/10, annex IV)
No. 8 (1997)	on the relationship between economic sanctions and respect for economic, social and cultural rights (seventeenth session; E/1998/22-E/C.12/1997/10, annex V)
No. 9 (1998)	on domestic application of the Covenant (eighteenth session; E/1999/22-E/C.12/1998/26, annex IV)
No. 10 (1998)	on the role of national human rights institutions in the protection of economic, social and cultural rights (nineteenth session; E/1999/22-E/C.12/1998/26, annex V)
No. 11 (1999)	on plans of action for primary education (article 14 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex IV)
No. 12 (1999)	on the right to adequate food (article 11 of the Covenant) (twentieth session; E/2000/22-E/C.12/1999/11 and Corr.1, annex V)

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* Published as *Official Records of the Economic and Social Council*.

No. 13 (1999)	on the right to education (article 13 of the Covenant) (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VI)
No. 14 (2000)	on the right to the highest attainable standard of health (article 12 of the Covenant) (twenty-second session; E/2001/22-E/C.12/2000/22, annex IV)
No. 15 (2002)	on the right to water (articles 11 and 12 of the Covenant) (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex IV)
No. 16 (2005)	on the equal right of men and women to the enjoyment of all economic, social and cultural rights (article 3 of the Covenant) (thirty-fourth session; E/2006/22-E/C.12/2005/5, annex VIII)
No. 17 (2005)	on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (article 15 (1) (c) of the Covenant) (thirty-fifth session; E/2006/22-E/C.12/2005/5, annex IX)
No. 18 (2005)	on the right to work (article 6 of the Covenant) (thirty-fifth session; E/2006/22-E/C.12/2005/5, annex X)
No. 19 (2007)	on the right to social security (article 9 of the Covenant) (thirty-ninth session; E/2008/22-E/C.12/2007, annex VII)
No. 20 (2009)	on non-discrimination (article 2 of the Covenant) (forty-second session; E/2010/22-E/C.12/2010, annex VI)
No. 21 (2009)	on the right of everyone to take part in cultural life (article 15 of the Covenant) (forty-third session; E/2010/22-E/C.12/2010, annex VII)

Annex IV

List of statements adopted by the Committee on Economic, Social and Cultural Rights

The statements and recommendations, adopted by the Committee to date, appear in its relevant annual reports:*

1. Preparatory activities relating to the World Conference on Human Rights: recommendations to the Preparatory Committee for the World Conference (sixth session; E/1992/23-E/C.12/1991/4, chap. IX)
2. Statement to the World Conference on Human Rights on behalf of the Committee (seventh session; E/1993/22-E/C.12/1992/2, annex III)
3. The World Summit for Social Development and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee (tenth session; E/1995/22-E/C.12/1994/20 and Corr.1, annex V)
4. Economic, social and cultural rights in the context of the World Summit for Social Development: Statement of the Committee (eleventh session; E/1995/22-E/C.12/1994/20 and Corr.1, annex VI)
5. Fourth World Conference on Women: Action for Equality, Development and Peace – Statement by the Committee (twelfth session; E/1996/22-E/C.12/1995/18, annex VI)
6. United Nations Conference on Human Settlements (Habitat II): Statement of the Committee (thirteenth session; E/1996/22-E/C.12/1995/18, annex VIII)
7. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session; E/1999/22-E/C.12/1998/26; chap. VI, sect. A, para. 515)
8. Statement of the Committee to the Third Ministerial Conference of the World Trade Organization (twenty-first session; E/2000/22-E/C.12/1999/11 and Corr.1, annex VII)
9. Statement of the Committee to the Convention to draft a Charter of Fundamental Rights of the European Union (twenty-second session; E/2001/22-E/C.12/2000/21, annex VIII)
10. Poverty and the International Covenant on Economic, Social and Cultural Rights: Statement of the Committee to the Third United Nations Conference on the Least Developed Countries (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex VII)
11. Statement of the Committee to the special session of the General Assembly for an overall review and appraisal of the implementation of the decisions taken at the United Nations Conference on Human Settlements (Habitat II) (New York, 6–8 June 2001) (twenty-fifth session; E/2002/22-E/C.12/2001/17, annex XI)

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* Published as *Official Records of the Economic and Social Council.*

12. **Statement of the Committee to the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XII)**

13. **Statement of the Committee on human rights and intellectual property (twenty-seventh session; E/2002/22-E/C.12/2001/17, annex XIII)**

14. **Statement of the Committee to the Commission on Sustainable Development acting as the Preparatory Committee for the World Summit for Sustainable Development (Bali, Indonesia, 27 May–7 June 2002) (twenty-eighth session; E/2003/22-E/C.12/2002/13, annex VI)**

15. **The Millennium Development Goals and economic, social and cultural rights: joint statement by the Committee and the Special Rapporteurs on economic, social and cultural rights of the Commission on Human Rights (twenty-ninth session; E/2003/22-E/C.12/2002/13, annex VII)**

16. **Statement by the Committee on an evaluation of the obligation to take steps to the "maximum of available resources" under an optional protocol to the Covenant (thirty-eighth session; E/2008/22-E/C.12/2007/1, annex VIII)**

17. **Statement of the Committee on the world food crisis (fortieth session; E/2009/22-E/C.12/2008/1, annex VI)**

18. **Statement of the Committee on the right to sanitation (forty-fifth session; E/2011/22-E/C.12/2010/3, annex VII)**

19. **Statement of the Committee on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (forty-sixth session; E/2012/22-E/C.12/2011/3, annex VI)**

20. **Statement of the Committee on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development (forty-sixth session; E/2012/22-E/C.12/2011/3, annex VI)**

Annex V

Days of general discussion held by the Committee on Economic, Social and Cultural Rights

The following issues have been the focus of discussion:

1. The right to food (third session, 1989)

2. The right to housing (fourth session, 1990)

3. Economic and social indicators (sixth session, 1991)

4. The right to take part in cultural life (seventh session, 1992)

5. The rights of the ageing and elderly (eighth session, 1993)

6. The right to health (ninth session, 1993)

7. The role of social safety nets (tenth session, 1994)

8. Human rights education and public information activities (eleventh session, 1994)

9. The interpretation and practical application of the obligations incumbent on States parties (twelfth session, 1995)

10. A draft optional protocol to the Covenant (thirteenth session, 1995, and fourteenth and fifteenth sessions, 1996)

11. Revision of the general guidelines for reporting (sixteenth session, 1997)

12. The normative content of the right to food (seventeenth session, 1997)

13. Globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session, 1998)

14. The right to education (nineteenth session, 1998)

15. The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session, 2000)

16. International consultation on economic, social and cultural rights in development activities of international institutions, organized in cooperation with the High Council for International Cooperation (France) (twenty-fifth session, 2001)

17. Equal right of men and women to the enjoyment of economic, social and cultural rights (article 3 of the Covenant) (twenty-eighth session, 2002)

18. The right to work (article 6 of the Covenant) (thirty-first session, 2003)

19. The right to social security (article 9 of the Covenant) (thirty-sixth session, 2006)

20. **The right to take part in cultural life (article 15, paragraph 1 (a), of the Covenant) (fortieth session, 2008)**

21. **Non-discrimination and economic, social and cultural rights (article 2, paragraph 2, of the Covenant) (forty-first session, 2008)**

22. **The right to sexual and reproductive health (articles 10 and 12 of the Covenant) (forty-fifth session, 2010)**

23. **The right to sanitation (articles 10 and 12 of the Covenant) (forty-fifth session, 2010)**

Annex VI

Statements made by the Committee during the reporting period

A. Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights*

1. As a result of globalization and the growing role played by non-State actors, the Committee increasingly addresses the obligations of States parties regarding the impact of the corporate sector on the implementation of the rights under the Covenant. The corporate sector in many instances contributes to the realization of the economic, social and cultural rights enshrined in the Covenant through, inter alia, input in economic development, employment generation, and productive investment. However the Committee has also frequently observed that corporate activities can adversely affect the enjoyment of Covenant rights. Multiple examples of related problems range from child labour and unsafe working conditions, through restrictions on trade union rights and discrimination against female workers, the harmful impact on the right to health, standard of living, including of indigenous peoples, and the natural environment, to the destructive role of corruption. The Committee reiterates the obligation of States parties to ensure that all economic, social and cultural rights laid down in the Covenant are fully respected and rights holders adequately protected in the context of corporate activities.

2. The Committee recalls that, in 1998, it issued its statement on globalization and its impact on the enjoyment of economic, social and cultural rights,[a] which is relevant to the present statement. The Committee also acknowledges the initiatives related to corporate responsibilities in the context of human rights and takes them into consideration in the implementation of its mandate. At the international level, further to its 1977 Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the International Labour Organization in 1998 adopted its Declaration on Fundamental Principles and Rights at Work. The latter addresses, inter alia, freedom of association and the effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, effective abolition of child labour and elimination of discrimination in respect of employment and occupation. In 2000, the United Nations launched the Global Compact, which has been signed to date by more than 7,700 companies and other stakeholders, committing themselves to adhere to corporate responsibilities covering human rights, labour, the environment and anti-corruption efforts.[b] The Committee takes note that, in 2008, the Human Rights Council welcomed the "Protect, Respect and Remedy" framework for business and human rights, presented by the Special

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* Adopted by the Committee on Economic, Social and Cultural Rights on 20 May 2011 during its forty-sixth session.

[a] *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. 6, sect. A.

[b] See United Nations Global Compact, *Corporate Sustainability in The World Economy* (New York, UN Global Compact Office, February 2011).

Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.[c]

3. States parties have the primary obligation to respect, protect and fulfil the Covenant rights of all persons under their jurisdiction in the context of corporate activities undertaken by State-owned or private enterprises. This derives from article 2, paragraph 1, of the Covenant, which defines the nature of the obligations of States parties, referring to legislative and other appropriate steps towards implementation, which include administrative, financial, educational and social measures, domestic and global needs assessments, and the provision of judicial or other effective remedies.[d]

4. **Respecting rights** requires States parties to guarantee the conformity of their laws and policies regarding corporate activities with the economic, social and cultural rights set forth in the Covenant. As part of this obligation, States parties shall ensure that companies demonstrate due diligence to make certain that they do not impede the enjoyment of the Covenant rights by those who depend on or are negatively affected by their activities.

5. **Protecting rights** means that States parties effectively safeguard rights holders from infringements of their economic, social and cultural rights involving corporate actors by establishing appropriate laws and regulations, together with monitoring, investigation and accountability procedures to set and enforce standards for the performance of corporations. As the Committee has repeatedly explained, non-compliance with this obligation can come about through action or inaction. It is of the utmost importance that States parties ensure access to effective remedies for victims of corporate abuse of economic, social and cultural rights through judicial, administrative, legislative or other appropriate means. States parties should also take steps to prevent human rights contraventions committed abroad by corporations which have their main offices under their jurisdiction, without infringing the sovereignty or diminishing the obligations of the host States under the Covenant. For example, in its general comment No. 15 (2002) on the right to water, the Committee states that "steps should be taken by States parties to prevent their own citizens and companies from violating the right to water of individuals and communities in other countries". It also emphasizes that "where States parties can take steps to influence other third parties to respect the right, through legal or political means, such steps should be taken in accordance with the Charter of the United Nations and applicable international law." In its general comment No. 18 (2005) on the right to work, the Committee underlines that private enterprises, both national and multinational, "have a particular role to play in job creation, hiring policies and non-discriminatory access to work. They should conduct their activities on the basis of legislation, administrative measures, codes of conduct and other appropriate measures promoting respect for the right to work, agreed between the government and civil society". In its general comment No. 19 (2007) on the right to social security, the Committee underscores that "States parties should extraterritorially protect the right to social security by preventing their own citizens and national entities from violating this right in other countries".

6. **Fulfilling rights** entails that States parties undertake to obtain the corporate sector's support for the realization of economic, social and cultural rights. States parties that are home to companies active abroad shall also encourage such companies to assist host States, as appropriate, including in situations of armed conflict and natural disaster, in building the

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[c] See Human Rights Council resolution 8/7 and the report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, A/HRC/8/5.

[d] See the Committee's general comment No. 3 (1990) on the nature of States parties' obligations.

capacities needed to address the corporate responsibility for the observance of economic, social and cultural rights.

7. The Committee is, therefore, determined to devote special attention to the obligations of States parties related to corporate responsibilities in the context of the rights protected by the Covenant with a view to contributing to their full realization. In order to enable effective follow-up on the issues addressed in this statement, the Committee calls on States parties to include information in their initial and periodic reports on challenges faced and measures taken in relation to the role and impact of the corporate sector on the realization of economic, social and cultural rights. Other stakeholders are also encouraged to include relevant information in their presentations to the Committee, as appropriate.

B. Statement on the importance and relevance of the right to development, adopted on the occasion of the twenty-fifth anniversary of the Declaration on the Right to Development*

1. The twenty-fifth anniversary of the Declaration on the Right to Development (the Declaration), adopted by the General Assembly on 4 December 1986,[a] will be celebrated in 2011. To mark this occasion, the Committee on Economic, Social and Cultural Rights wishes to emphasize the close relationship and the complementarity existing between the International Covenant on Economic, Social and Cultural Rights and the Declaration.

2. The Committee recalls that the Charter of the United Nations obliges States to take action, individually and jointly, for the promotion and respect of human rights and economic and social progress. Article 55 specifies that the promotion of full employment and development is integral to such efforts.[b] In 1948, the General Assembly adopted the Universal Declaration of Human Rights. Its articles 22–27 proclaim various economic, social and cultural rights, in particular the rights to work; to social security; to an adequate standard of living, including the rights to food and to housing; to health; to education; and to enjoy and freely participate in cultural life. Subsequently, these rights were enshrined and elaborated in the Covenant of 1966. The substantive articles 1–15 of the Covenant inspired and shaped numerous fundamental elements of the right to development.

3. Notwithstanding this incorporation of fundamental components of the right to development in the Covenant, the implementation of the right to development faced many structural obstacles. Article 28 of the Universal Declaration of Human Rights recognizes that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". Responding primarily to the special needs and concerns of developing countries, the General Assembly adopted the Declaration on the Right to Development in 1986 and expressed its concern at the serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and its consideration that all human rights and fundamental freedoms are indivisible and interdependent. The Declaration emphasizes that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms.

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* Adopted by the Committee on Economic, Social and Cultural Rights on 20 May 2011 during its forty-sixth session.

[a] General Assembly resolution 41/128, annex.

[b] See also the preamble and articles 1 and 56 of the Charter.

4. The Declaration also highlights that development is a multifaceted and participatory process. Specifically, the Declaration recognizes that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Furthermore, the Declaration proclaims that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, through which all human rights and fundamental freedoms can be fully realized.

5. The complementarity between the rights contained in the Covenant and the right to development in the Declaration is manifest, inter alia, in the correspondence between articles 3 and 4 of the Declaration on the Right to Development relating to national and international responsibilities and article 2 of the Covenant on the obligations of States parties, including the duty to provide international assistance and cooperation; and in the provisions of article 8, paragraph 1, of the Declaration on the Right to Development and those of the Covenant relating to, for example, ensuring the empowerment and active participation of women, disadvantaged and marginalized individuals and groups; employment; basic resources and fair distribution of income; eradication of poverty; the provision of an adequate standard of living, including food and housing; health services; education; and enjoyment of culture.

6. The Committee, in accordance with its mandate,[c] has adopted several general comments and statements that not only complement the substance of the right to development but also indicate the ways and means of implementing the fundamental elements of the right to development. These include general comment No. 3 (1990) on the nature of States parties' obligations and its statements on globalization and its impact on the enjoyment of economic, social and cultural rights (15 May 1998),[d] poverty and the International Covenant on Economic, Social and Cultural Rights (4 May 2001)[e] and the Millennium Development Goals (September 2010).[f] Moreover, in its dialogue with States parties, the Committee also consistently recalls the commitment of developed countries to provide at least 0.7 per cent of gross national product as official development assistance,[g] and the duty incumbent on all States to cooperate in the promotion of development and respect for all human rights and fundamental freedoms, in accordance with the Charter of the United Nations. The Committee considers that the right to development, through the

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[c] Economic and Social Council resolutions 1985/17 and 1987/5.

[d] *Official Records of the Economic and Social Council, 1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), chap. VI, sect. A.

[e] *Official Records of the Economic and Social Council, 2002, Supplement No. 2* (E/2002/22-E/C.12/2001/17), annex VII.

[f] Joint statement of the Chairpersons of the United Nations human rights treaty bodies, presented at the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, New York, 20–22 September 2010. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10329&LangID=E. See also the earlier joint statement by the Committee and the special rapporteurs on economic, social and cultural rights of the Commission on Human Rights on the Millennium Development Goals and economic, social and cultural rights (29 November 2002), *Official Records of the Economic and Social Council, 2003, Supplement No. 2* (E/2003/22-E/C.12/2002/13), annex VII.

[g] See the Monterrey Consensus of the International Conference on Financing for Development (*Report of the International Conference on Financing for Development, Monterrey, Mexico, 18–22 March 2002* (United Nations publication, Sales No. E.02.II.A.7)), para. 42; and the 2005 World Summit outcome document (General Assembly resolution 60/1), para. 23 (b).

systematic application of the core principles of equality, non-discrimination, participation, transparency and accountability, at both the national and international levels, establishes a specific framework within which the duty to provide international cooperation and assistance has to be implemented.

7. The Committee, recognizing and reaffirming the linkage and the synergy between the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development, is resolved to continue monitoring the implementation of all the rights protected by the Covenant, contributing simultaneously to the full realization of the relevant elements of the right to development. In doing so, the Committee will, in its examination of the reports of States parties and its dialogue with the States parties, continue to address the eradication of poverty and underdevelopment and the creation of conditions for achieving economic and social progress and development for all, including for disadvantaged and marginalized individuals and groups.

Annex VII

Report of the eleventh meeting of the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education

1. The eleventh meeting of the Joint Expert Group UNESCO (Committee on Conventions and Recommendations)/the Economic and Social Council (Committee on Economic, Social and Cultural Rights) on the Monitoring of the Right to Education took place in Geneva on 29 April 2011, ahead of the forty-sixth session of the Committee on Economic, Social and Cultural Rights. In accordance with 184 EX/Decision 23 of the UNESCO Executive Board, the objective of this meeting was to take stock of the work of the Joint Expert Group, to define the methods of work for the future and to adopt a plan of activities for the two coming years.

2. The meeting was opened by Carla Edelenbos, Chief, Civil, Political, Economic, Social and Cultural Rights Section, Human Rights Treaties Division, the Office of the United Nations High Commissioner for Human Rights, followed by remarks by David Atchoarena, Director, Division for Planning and Development of Education Systems, UNESCO. While both underlined the importance of the work of the Joint Expert Group, Carla Edelenbos pointed out the need for achieving concrete results that would benefit both committees, particularly in view of increasingly scarce resources. David Atchoarena observed that the meeting would be the occasion to give fresh impetus to the work of the Joint Expert Group four years away from the target date of achieving "Education for All" goals. The meeting was chaired by Mr. Abdel-Moneim, member of the Committee on Economic, Social and Cultural Rights.

A. Added value of the work of the Joint Expert Group

3. The Joint Expert Group took stock of the outcomes of the work since its first meeting in 2003 and discussed its added value both for the work of the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights. A background document summarizing the reports of previous meetings of the Joint Expert Group had been prepared by the secretariat in this regard. The new members recognized the work undertaken hitherto by the Joint Expert Group and the valuable exchange between the two committees. The Group also reflected on the impact of its representativeness (only two members from each committee), the legal value of its recommendations and their follow-up. In that regard, concrete examples of the implementation of recommendations through activities undertaken by the Secretariat of UNESCO were recalled, such as the publication of *Comparative analysis: UNESCO Convention against Discrimination in Education and Articles 13 and 14 (right to education) of the International Covenant on Economic, Social and Cultural Rights*.[a] The organization of an expert consultation on the operational definition of basic education and the recent publication on practical examples of the implementation of the right to education

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[a] United Nations Educational, Scientific and Cultural Organization (Paris, 2006).

based on the seventh consultation of member States on the implementation of the Convention and the UNESCO Recommendation against Discrimination in Education were also mentioned. The Joint Expert Group members also expressed concern about the usefulness of the Joint Expert Group and regretted that the Executive Board did not discuss the outcomes of its work in more depth.

4. The Joint Expert Group acknowledged that its work could benefit the monitoring roles of the two committees and assist States in assessing the efficiency of education systems and the quality of education, while underlining difficulties that developing countries face in this regard.

5. Regarding the respective monitoring roles of the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights, the Joint Expert Group emphasized the importance of sharing information provided through the monitoring mechanisms and recommended that, in its regular contribution to the Committee on Economic, Social and Cultural Rights on the right to education, UNESCO provide concrete recommendations in addition to information on countries under review. Referring in particular to the future entry into force of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Group deemed it necessary to collaborate more closely, particularly in the development of a tool for assessing the implementation of the right to education.

6. Bearing in mind the additional challenges brought by the financial crisis to the realization of the right to education, the Joint Expert Group reviewed its mandate and focused its discussion on right to education indicators. The tool for assessing the implementation of the right to education could outline the criteria or indicators for implementation, such as the domestic legal framework for protection of the right or the use of mother tongue at school. In that regard, reference was made to existing indicators-based mechanisms to monitor Education for All progress and the possibility for including the indicators identified by the Joint Expert Group in the *EFA Global Monitoring Report*.

7. The Joint Expert Group underlined that indicators should not be static but adaptable, should include both quantitative and qualitative ones and should enable the production of disaggregated data. The Joint Expert Group also noted that the source of data and the method of collection thereof could have a bearing on their quality and their interpretation.

8. The Joint Expert Group also recommended that the *EFA Global Monitoring Report* devote a report to the theme of right to education.

B. Thematic focus for the two coming years

9. As requested by the UNESCO Executive Board and following rich discussions among Joint Expert Group members, the Group decided to focus its work at its next meetings on the following themes, while looking at the criteria and indicators for the assessment of compliance by States with relevant obligations:

(a) Cost of education;

(b) Quality of education; and

(c) Accessibility of education.

10. Regarding the cost of education, the Joint Expert Group expressed the need to pay closer attention to fees in higher education and to indirect costs incurred by parents, such as meals and private lessons, and their impact on the enjoyment of the right to education. In that regard, reference was made to household surveys in some countries, which included data on education-related expenditures of families. The increasingly important role played

by private education in many countries and the absence of indicators/standards on the matter at international level were also noted. Referring to the Jomtien Statement adopted on March 2011,[b] which urged Governments to allocate at least 20 per cent of public expenditure to education, the Joint Expert Group identified the need to develop a method for evaluating the cost-effectiveness of resources invested in education. Note was made in that regard of the UNESCO Institute for Statistics report *Financing Education in Sub-Saharan Africa*,[c] which showed that African countries devoted an important share of public budget to education.

11. Regarding the quality of education, the prevailing problem of illiteracy among persons who had attended primary education was mentioned as a symptom of a poor-quality education system. It was underlined that quality had been linked with outcomes while it integrated other dimensions such as tolerance and learning together for instance. The absence of and the need to develop a comprehensive framework for assessing the quality of education had been recognized. The quality framework currently being developed by the UNESCO Education Sector could be a starting point for the Committee on Economic, Social and Cultural Rights for that purpose. Criteria to assess teachers' training would include the resources allocated in that respect by States. It was pointed out that Education for All had brought access to the fore to the detriment of quality, but that more attention had recently been accorded to quality, which had been the main theme of the Tenth Meeting of the High-Level Group on Education for All at Jomtien, Thailand, in March 2011.

12. Finally, regarding the accessibility of education, the Joint Expert Group stressed the fact that accessibility for persons with disabilities remained a challenge worldwide and emphasized the need to define the concept of accessibility and to develop criteria for its assessment.

C. Methods of work

13. The Joint Expert Group decided to meet twice per year for one to two days, with the possibility of opening the meeting to other members of the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights, and inviting the participation of experts on the themes to be discussed. The Group also expressed the will to formulate concrete recommendations for the Committee on Conventions and Recommendations and the Committee on Economic, Social and Cultural Rights. The members would chair the Joint Expert Group on a rotating basis.

D. Interaction with the Special Rapporteur on the right to education

14. The Joint Expert Group considered that it would be beneficial to collaborate with the Special Rapporteur on the right to education on the monitoring of the right to education. It decided to contact him in due course to exchange on possible ways of cooperating, particularly on themes to be discussed by the Group in the coming years.

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[b] UNESCO, document ED-11/HLG-EFA/2. Available from http://unesdoc.unesco.org.

[c] Montreal, 2011. Available from http://unesdoc.unesco.org.

E. Briefing on the celebration of the fiftieth anniversary of the 1960 Convention against Discrimination in Education

15. A briefing was given on the celebration of the fiftieth anniversary of the 1960 Convention against Discrimination in Education, presenting the different activities organized in 2010 to promote that normative instrument, including the ratification campaign and the seminar on 50 years of combating discrimination in education. The recent UNESCO publication *Implementing the right to education: A compendium of practical examples based on the seventh consultation of Member States on the implementation of the Convention and the Recommendation against Discrimination in Education* was also shared with the members of the Joint Expert Group.[d] They suggested issuing in the future a similar joint publication (UNESCO/Committee on Economic, Social and Cultural Rights) which would include information from the reports submitted to UNESCO and concluding observations made by the Committee on Economic, Social and Cultural Rights.

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[d] Paris, 2010. Available from http://unesdoc.unesco.org.

Annex VIII

List of documents before the Committee

A. List of documents before the Committee at its forty-sixth session

E/C.12/46/1	Provisional agenda and tentative programme of work of the forty-sixth session of the Committee
E/C.12/46/2	Status of ratifications and reporting
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/2008/2	Revised reporting guidelines
A/66/175	Report of the chairs of the human rights treaty bodies on their twenty-third meeting
HRI/GEN/1/Rev.9 (vols. I and II)	Compilation of general comments and general recommendations adopted by human rights treaty bodies
HRI/GEN/2/Rev.6	Compilation of guidelines on the form and content of reports to be submitted by States parties
HRI/GEN/3/Rev.3	Compilation of rules of procedure adopted by human rights treaty bodies: note by the Secretariat
A/HRC/6/WG.4/2/Rev.1	Revised draft optional protocol to the International Covenant on Economic, Social and Cultural Rights
E/C.12/DEU/5	Reports submitted by States parties to the Covenant: fifth periodic report of Germany
E/C.12/MDA/2	Reports submitted by States parties to the Covenant: second periodic report of the Republic of Moldova
E/C.12/RUS/5	Reports submitted by States parties to the Covenant: fifth periodic report of the Russian Federation
E/C.12/TUR/1	Reports submitted by States parties to the Covenant: initial report of Turkey
E/C.12/YEM/2	Reports submitted by States parties to the Covenant: second periodic reports of Yemen
HRI/CORE/DEU/2009	Core document forming part of the reports of States parties: Germany
HRI/CORE/1/Add.114	Core document forming part of the reports of States parties: Republic of Moldova
HRI/CORE/1/Add.52/Rev.1	Core document forming part of the reports of States parties: Russian Federation

HRI/CORE/TUR/2007	Core document forming part of the reports of States parties: Turkey
HRI/CORE/1/Add.115	Core document forming part of the reports of States parties: Yemen
E/C.12/DEU/Q/5	List of issues to be taken up in connection with the consideration of the fifth periodic report of Germany
E/C.12/MDA/Q/2	List of issues to be taken up in connection with the second periodic report of the Republic of Moldova
E/C.12/RUS/Q/5	List of issues to be taken up in connection with the consideration of the fifth periodic report of the Russian Federation
E/C.12/TUR/Q/1	List of issues to be taken up in connection with the consideration of the initial report of Turkey
E/C.12/YEM/Q/2	List of issues to be taken up in connection with the consideration of the second periodic report of Yemen
E/C.12/DEU/Q/5/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the fifth periodic report of Germany
E/C.12/MDA/Q/2/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second periodic report of the Republic of Moldova
E/C.12/RUS/Q/5/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the fifth periodic report of the Russian Federation
E/C.12/TUR/Q/1/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the initial report of Turkey
E/C.12/YEM/Q/2/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second periodic report of Yemen
E/C.12/1/Add.68	Concluding observations of the Committee on Economic, Social and Cultural Rights on the fourth periodic reports of Germany
E/C.12/1/Add.91	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial report of the Republic of Moldova
E/C.12/1/Add.94	Concluding observations of the Committee on Economic, Social and Cultural Rights on the fourth periodic report of the Russian Federation
E/C.12/1/Add.92	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial report of Yemen

B. List of documents before the Committee at its forty-seventh session

E/C.12/47/1	Provisional agenda and tentative programme of work of the forty-seventh session of the Committee
E/C.12/47/2	Status of ratifications and reporting
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/2008/2	Revised reporting guidelines
A/66/175	Report of the chairs of the human rights treaty bodies on their twenty-third meeting
HRI/GEN/1/Rev.9 (vols. I and II)	Compilation of general comments and general recommendations adopted by human rights treaty bodies
HRI/GEN/2/Rev.6	Compilation of guidelines on the form and content of reports to be submitted by States parties
HRI/GEN/3/Rev.3	Compilation of rules of procedure adopted by human rights treaty bodies: note by the Secretariat
E/C.12/ARG/3	Reports submitted by States parties to the Covenant: third periodic report of Argentina
E/C.12/CMR/2-3	Reports submitted by States parties to the Covenant: second and third periodic reports of Cameroon
E/C.12/EST/2 and Corr.1	Reports submitted by States parties to the Covenant: second periodic report of Estonia
E/C.12/ISR/3	Reports submitted by States parties to the Covenant: third periodic report of Israel
E/C.12/TKM/1	Reports submitted by States parties to the Covenant: initial report of Turkmenistan
HRI/CORE/1/Add.74	Core document forming part of the reports of States parties: Argentina
HRI/CORE/1/Add.109	Core document forming part of the reports of States parties: Cameroon
HRI/CORE/1/Add.50/Rev.1	Core document forming part of the reports of States parties: Estonia
HRI/CORE/ISR/2008	Core document forming part of the reports of States parties: Israel
HRI/CORE/TKM/2009	Core document forming part of the reports of States parties: Turkmenistan
E/C.12/ARG/Q/3	List of issues to be taken up in connection with the consideration of the third periodic report of Argentina
E/C.12/CMR/Q/2-3	List of issues to be taken up in connection with the consideration of the second and third periodic reports of Cameroon

E/C.12/EST/Q/2	List of issues to be taken up in connection with the consideration of the second periodic report of Estonia
E/C.12/ISR/Q/3	List of issues to be taken up in connection with the consideration of the third periodic report of Israel
E/C.12/TKM/Q/1	List of issues to be taken up in connection with the consideration of the initial report of Turkmenistan
E/C.12/ARG/Q/3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the third periodic report of Argentina
E/C.12/CMR/Q/2-3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second and third periodic reports of Cameroon
E/C.12/EST/Q/2/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the second periodic report of Estonia
E/C.12/ISR/Q/3/Add.1	Replies to the list of issues to be taken up in connection with the consideration of the third periodic report of Israel
E/C.12/TKM/Q/1Add.1	Replies to the list of issues to be taken up in connection with the consideration of the initial report of Turkmenistan
E/C.12/1/Add.38	Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Argentina
E/C.12/1/Add.40	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial report of Cameroon
E/C.12/1/Add.85	Concluding observations of the Committee on Economic, Social and Cultural Rights on the initial report of Estonia
E/C.12/1/Add.90	Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Israel